



COLORADO
Department of Education

PROGRAM REQUIREMENTS FOR ESEA & ESSER MONITORING

Contents

Program Requirements Overview.....	7
Additional Guidance for ARP ESSER III	7
Orientation to the Program Requirements Document.....	8
Stakeholder Engagement [SE].....	9
SE 7.1 Safe Return to In-Person Instruction Plan	9
SE 7.2 LEA Use of ARP ESSER Funds Plan	12
Cross Program Requirements	14
SE 9.1 Development of the LEA Plan	14
SE 9.2 Reasonable Opportunity for Public Comment	17
SE 9.3 Parent Request for Teacher Qualification Information	18
SE 9.4 Student Performance	19
SE 9.5 Parents Right-to-Know	20
SE 9.6 Parent Access to Assessment Information	21
SE 9.7 Public Sharing of Assessment Information	22
SE 9.9 Meeting with Parents and Families of English Learners	23
SE 9.11 Annual Consultation	24
Title I, Part A Requirements	27
SE 1.1 Title I, Part A Annual Meeting	27
SE 1.2 Annual Report to the Public	28
SE 1.3 LEA Parent and Family Engagement Policy.....	29
SE 1.4 School Parent and Family Engagement Policy	31
SE 1.6 Building Parent and Family Capacity	34

Title IV, Part A Requirements	36
SE 4.1 Title IV, Part A Needs Assessment	36
Identification and Delivery of Services [ID].....	37
ID 7.1 20% Learning Loss Set-Aside (In Colorado: Addressing Lost Instructional Time).....	37
Cross Program Requirements	39
ID 9.1 Use of Funds	39
ID 9.3 Set-Asides.....	43
ID 9.4 Parent Notification – English Learner Identification and Redesignation	44
ID 9.6 Early Childhood Education.....	47
ID 9.7 Annual Assessment of English Proficiency.....	49
ID 9.8 National Assessment of Education Progress (NAEP) Participation	50
ID 9.9 Implementation of Funds - GEPA	51
Title I, Part A Requirements	52
ID 1.1 Data-Driven Instructional Practices.....	52
ID 1.2 Coordination of Supports and Services	53
ID 1.3 Comprehensive Support and Improvement Plans.....	54
ID 1.4 Targeted Support and Improvement Plans	55
ID 1.6 Title I, Part A Required Homeless Set-Aside	57
ID 1.7 Teacher Qualifications.....	58
ID 1.8 Equitable Access to Effective, In-Field, and Experienced Teachers (EDT).....	59
ID 1.9 Students in Foster Care: Transportation to School of Origin.....	60
ID 1.11 Immediate Enrollment and Transfer of Records for Foster Care Students.....	61
Title I, Part A Schoolwide Programs.....	62

ID 1.12 Schoolwide Plans	62
Title I, Part A Consolidated Schoolwide Programs.....	65
ID 1.14 Consolidated Schoolwide Programs	65
Title I, Part A Targeted Assistance Programs	66
ID 1.15 Identification for Targeted Assistance.....	66
ID 1.16 Provision of Individualized Supports	68
ID 1.18 Minimizing Removal of Children from the Regular Classroom.....	70
ID 1.19 Additional Duties	71
Title I, Part D Requirements.....	72
ID 1.20 Institution-Wide Projects	72
ID 1.21 Title I, Part D Formal Agreement.....	74
Title II, Part A Requirements	76
ID 2.1 Meeting the Needs of Student Subgroups with Title II, Part A.....	76
Title III, Part A Requirements	77
ID 3.1 Provision of Parent, Family, and Community Engagement Activities	77
ID 3.2 Title III, Part A Programming	78
ID 3.3 Title III, Part A Professional Development	79
ID 3.4 Fluency	80
ID 3.6 Title III, Part A Immigrant Set-Aside	81
ID 4.1 Title IV, Part A Prioritization of Funds	83
The McKinney-Vento Homeless Assistance Act of 1987 Requirements.....	84
ID 8.1 Homeless Identification and Community Outreach	84
ID 8.2 Barriers to Accessing Educational Services	86

ID 8.3 School of Attendance	87
ID 8.4 Transportation Services.....	89
Evaluation of Program Impact [EP]	90
Title I, Part A Requirements	90
EP 1.1 Schoolwide Program Evaluation	90
EP 1.2 Targeted Assistance Program Evaluation	91
EP 4.1 Title IV-A Program Evaluation	92
Fiscal Requirements [FR].....	93
FR 7.1 Maintenance of Equity.....	93
Cross Program Requirements	95
FR 9.2 Maintenance of Effort.....	95
FR 9.3 LEA Control of Funds for Non-Public Schools	97
FR 9.4 Use of Funds for Non-Public Schools	99
FR 9.5 Non-Public School Set Aside.....	100
FR 9.6 Non-Public School Carryover.....	103
FR 9.7 Property and Equipment.....	104
FR 9.8 Financial Management	106
FR 9.9 Single Audit/Corrective Action	108
FR 9.10 Time and Effort Reporting.....	109
FR 9.12 Written Policies and Procedures	111
FR 9.13 Procurement	112
FR 9.15 Information Management PII	114
FR 9.16 Ethical Transparency.....	115

FR 9.17 Internal Controls.....	116
FR 9.18 Cost Principles	117
FR 9.19 Revision of Budget and Program Plans	119
FR 9.20 Indirect Costs.....	120
FR 9.21 Remodeling, Renovation, New Construction.....	121
Title I, Part A Requirements	123
FR 1.1 Title I, Part A Supplement, Not Supplant	123
FR 1.2 Title I, Part A Carryover.....	124
FR 1.3 Poverty Measure	125
FR 1.4 Rank Order.....	127
FR 1.5 125% Rule	128
FR 1.6 Title I, Part A Comparability	129
FR 1.7 Proportionate Share	130
Title I, Part D Requirements.....	132
FR 1.8 Title I, Part D Supplement Not Supplant	132
FR 1.9 Title I, Part D Subpart 1 Transition Services	133
Title III, Part A Requirements	134
FR 3.1 Title III, Part A Direct Administrative Costs	134
FR 3.2 Title III, Part A Supplement, Not Supplant	135
Title IV, Part A Requirements.....	136
FR 4.1 Title IV, Part A Direct Administrative Costs.....	136
FR 4.4 Title IV, Part A Expenditures by Content Area.....	137
Title V, Part B Requirements.....	138

FR 5.1 Title V, Part B Supplement, Not Supplant138
References 139

Program Requirements Overview

This document contains the program requirements that LEAs must comply with in order to accept and use federal funds. CDE will use this document to ensure compliance with these requirements for ESEA and ESSER funds. On an annual basis, CDE will prioritize requirements within each category and will notify LEAs of the requirements that will be included in the monitoring process. As part of the review, CDE will make recommendations to support LEAs with improving practices within their ESEA and ESSER programs and will identify and disseminate best practices for the use of federal funds.

The ESEA and ESSER program requirements have been divided into four main categories

- Meaningful Stakeholder Engagement [SE]
- Identification and Delivery of Services [ID]
- Evaluation of Program Impact [EP]
- Fiscal Requirements [FR]

In this document, the indicator represents the statutory or regulatory requirement that must be implemented and is being monitored. CDE has outlined criteria for demonstrating compliance and created a list of examples of evidence that LEAs may collect and submit to CDE to demonstrate compliance with each requirement when the LEA is being monitored. The lists are not exhaustive and not all of the listed documents have to be submitted. An LEA's individual context will determine the amount of evidence to be submitted. An LEA may choose to demonstrate compliance based on other processes or documents that pertain to the individual LEA and are not listed in the examples of evidence. It is up to the LEA to determine what evidence best demonstrates compliance.

CDE's goal is to provide support so that all LEAs will be able to demonstrate compliance with every requirement. Please reach out to your [Regional Contact](#) with any questions, concerns, or request for assistance at any time. Updates and additional information, including announcements of upcoming trainings, can be accessed on CDE's [monitoring website](#).

Additional Guidance for ARP ESSER III

ARP ESSER III has additional planning requirements as delineated in the [Interim Final Rule](#) and the [ESSER and GEER FAQ Guidance](#), published by the U.S. Department of Education on April 22, 2021 and May 26, 2021, respectively. These additional requirements necessitated the addition of indicators in four major areas of work.

- Use of ARP ESSER Funds Plan
- Safe Return to In-Person Instruction Plan
- 20% Learning Loss Set-Aside (In Colorado: Addressing Lost Instructional Time)
- Maintenance of Equity

Additional information regarding the requirements within these four areas of work can be found in the individual program requirements.

Orientation to the Program Requirements Document

This document has been structured to include consistent information about each program requirement.

- Each requirement indicator is numbered beginning with two letters that represent the category of requirements:
 - SE = Stakeholder Engagement
 - ID = Identification and Delivery of Services
 - EP = Evaluation and Program Impact
 - FR = Fiscal Requirements
- Each indicator includes 5 types of information:
 - Top row (dark blue box)
 - The indicator number and name as assigned by CDE (e.g., “SE 7.1 Safe Return to In-Person Instruction Plan”)
 - The statutory and regulatory citation (e.g., ARP ESSER III Sec. 2001(i)(1-3))
 - Second row, left column (light blue box)
 - Statutory and regulatory language that delineates the requirement
 - Second row, right column (white box)
 - The Demonstration of Compliance provides an explanation of how an LEA can demonstrate it has met this requirement and the criteria that CDE will review as part of monitoring
 - Examples of Evidence is a list of typical documents submitted by an LEA to demonstrate compliance
 - This is not an exhaustive list. LEAs do not have to submit all items on the list, and LEAs might have documents that provide evidence of compliance that are not on the list.

Stakeholder Engagement [SE]

The LEA meaningfully engages parents, families, and community members and communicates information in a timely manner in a language and a format that parents, families, and community members can understand, to the extent practicable.

SE 7.1 Safe Return to In-Person Instruction Plan

ARP ESSER III Sec. 2001(i)(1-3);
86 Fed. Reg. 21200 (April 22, 2021)

SEC. 2001. ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND.

(i) SAFE RETURN TO IN-PERSON INSTRUCTION.—

(1) IN GENERAL.—A local educational agency receiving funds under this section shall develop and make publicly available on the local educational agency's website, not later than 30 days after receiving the allocation of funds described in paragraph (d)(1), a plan for the safe return to in-person instruction and continuity of services.

(2) COMMENT PERIOD.—Before making the plan described in paragraph (1) publicly available, the local educational agency shall seek public comment on the plan and take such comments into account in the development of the plan.

(3) PREVIOUS PLANS.—If a local educational agency has developed a plan for the safe return to in-person instruction before the date of enactment of this Act that meets the requirements described in paragraphs (1) and (2), such plan shall be deemed to satisfy the requirements under this subsection.

LEA Plan for Safe Return to In-Person Instruction and Continuity of Services
....during the period of the ARP ESSER award established in section 2001(a) of the ARP Act (i.e., until September 30, 2023),¹³ an LEA must periodically, but no less frequently than every six months, review and, as appropriate, revise its plan. Consistent with section 2001(i)(2) of the ARP Act, which requires an LEA to seek public comment on the development of its plan, an LEA must seek public input and take such input into account in determining whether to revise its plan and, if it determines revisions are necessary, on the revisions it

Demonstration of Compliance

- ☐ The LEA has posted its Safe Return to In-Person Instruction and Continuity of Services plan on the LEA's website within 30 days of receiving the allocation of funds and will review and update the plan in an ongoing manner (no less frequently than every 6 months).
- ☐ The LEA's plan describes how it will maintain the health and safety of students, educators, and other school and LEA staff.
- ☐ The LEA plan describes any policies pertaining to each of the CDC's safety recommendations including:
 - Universal and correct wearing of masks;
 - modifying facilities to allow for physical distancing (e.g., use of cohorts/podding);
 - handwashing and respiratory etiquette;
 - cleaning and maintaining healthy facilities, including improving ventilation;
 - contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments;
 - diagnostic and screening testing;
 - efforts to provide vaccinations to school communities;
 - appropriate accommodations for children with disabilities with respect to health and safety policies; and
 - coordination with State and local health officials.
- ☐ The LEA plan describes how the LEA will ensure continuity of services, including but not limited to services to address students' academic needs

makes to its plan, i.e., the LEA must seek public input on whether to revise its plan and on any revisions to its plan no less frequently than every six months (taking into consideration the timing of significant changes to CDC guidance on reopening schools).

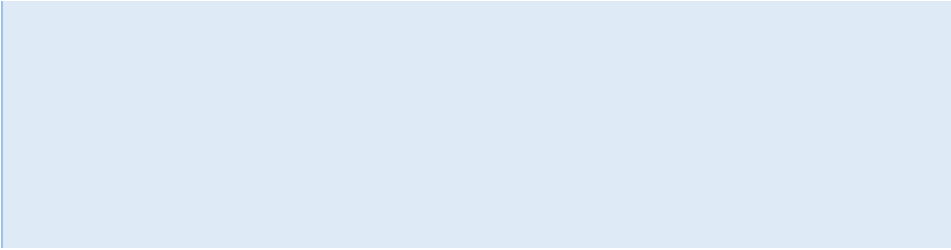
....under the requirement, the plans must be: In an understandable and uniform format; to the extent practicable, written in a language that parents can understand or, if not practicable, orally translated; and upon request by a parent who is an individual with a disability, provided in an alternative format accessible to that parent.

and students' and staff social, emotional, mental health and other needs, which may include student health and food services, *if such information is not included in the LEA's use of funds plans.*

- ☐ The LEA held a public comment period in accordance with local practices on the plan's development prior to making it publicly available.
- ☐ The LEA will review the plan at least every six months and update if needed, taking into consideration input from stakeholders and the public about whether the plan needs revision, and if so, in what manner. Any revisions must also take into consideration current CDC or local health departments recommendations.
- ☐ The plan, and any updates or revisions to it, meets American Disabilities Act (ADA) accessibility requirements or the LEA has responded to any requests for translations or making materials available in an accessible manner (e.g., oral for visually impaired individuals).

Examples of Evidence

- Published Safe Return to In-Person Instruction and Continuity of Services plan [If link is provided in ARP-ESSER III application, no need to resubmit as part of monitoring]
- Evidence of public comment period: record of comments received, narrative of process, agenda/minutes from meeting, or other evidence deemed appropriate by LEA.
- Corresponding evidence showing how LEA incorporated public input into the plan: feedback on comments, meeting notes showing discussion, list of revisions based on comments, narrative explaining how input was used, pre- and post- drafts of plan on website.
- Communications shared with families and school community about reviewing or providing input on the plan.
- List of dates that the plan was developed, reviewed, or revised. Any corresponding documentation to demonstrate revisions (e.g., stamp dated updates to the website, notice of public comment, internal memos about the revisions to the plan).

- 
- Any published updates based on periodic (at least every 6 months) reviews; narrative of review process
 - Translated versions of the plan
 - Board documents that demonstrate opportunity for stakeholder or public input

LEA ARP ESSER Plans

....each LEA that receives ARP ESSER funds must develop, submit to the SEA on a reasonable timeline determined by the SEA, and make publicly available on the LEA's website, a plan for the LEA's use of ARP ESSER funds. The plan, and any revisions to the plan submitted consistent with procedures established by the SEA, must include at a minimum a description of—

(1) The extent to which and how the funds will be used to implement prevention and mitigation strategies that are, to the greatest extent practicable, consistent with the most recent CDC guidance on reopening schools, in order to continuously and safely open and operate schools for in-person learning;

(2) How the LEA will use the funds it reserves under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year;

(3) How the LEA will spend its remaining ARP ESSER funds consistent with section 2001(e)(2) of the ARP Act;

and

(4) How the LEA will ensure that the interventions it implements, including but not limited to the interventions implemented under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time, will respond to the academic, social, emotional, and mental health needs of all students, and particularly those students disproportionately impacted by the COVID-19 pandemic, including students from low-income families, students of color, English learners, children with disabilities,

Demonstration of Compliance

- ☐ The LEA has a plan that meets the requirements under the IFR as outlined in the statutory requirement.
- ☐ The LEA plan was developed in consultation with key stakeholders who had an opportunity to provide meaningful input, including the following:
 - students
 - families
 - school and district administrators (including special education administrators)
 - teachers, principals, school leaders, other educators, school staff, and their unions
- ☐ In addition, the LEA provided an opportunity for the following stakeholders to provide input, to the extent present or served by the LEA:
 - Tribes
 - civil rights organizations (including disability rights organizations)
 - stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students
- ☐ The public had an opportunity to provide input on the LEA plan.
- ☐ The LEA plan is posted on the LEA website.
- ☐ The plan, and any updates or revisions to it, is available in a language that parents can understand and meets Americans with Disabilities Act (ADA) accessibility requirements, or the LEA has responded to any requests for translations or making materials available in an accessible manner (e.g., oral for visually impaired individuals).

Examples of Evidence

- The LEA plan submitted in the ARP ESSER III [CDE already has on file; no need to resubmit as part of monitoring]

students experiencing homelessness, children in foster care, and migratory students.

Under this requirement, an LEA must engage in meaningful consultation with stakeholders and give the public an opportunity to provide input in the development of its plan. Specifically, an LEA must engage in meaningful consultation with students; families; school and district administrators (including special education administrators); and teachers, principals, school leaders, other educators, school staff, and their unions.

Additionally, an LEA must engage in meaningful consultation with each of the following, to the extent present in or served by the LEA: Tribes; civil rights organizations (including disability rights organizations); and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students.

Finally, under the requirement, each LEA's ARP ESSER plan must be: In an understandable and uniform format; to the extent practicable, written in a language that parents can understand or, if not practicable, orally translated; and, upon request by a parent who is an individual with a disability, provided in an alternative format accessible to that parent.

- Documentation of stakeholder engagement
 - Agendas from stakeholder meetings
 - List of stakeholders who were invited or participated
 - Content provided at stakeholder meetings (PPT or other materials shared)
 - Samples of documents examined during stakeholder engagement activities
 - Meeting notes including participation information and feedback on the LEA plan for use of funds.
- Link to the website where the LEA's plan is posted.
- Samples of survey responses or input provided by various stakeholders
- Translations of the LEA plan
- Communication inviting stakeholders to participate in meetings, surveys, or other platforms for providing meaningful stakeholder input on the LEA use of funds plan
- Communications summarizing or sharing use of funds plans with stakeholders
- Board documentation demonstrating the opportunity for the public to provide input on the use of funds plan.

Cross Program Requirements

SE 9.1 Development of the LEA Plan	ESEA Sec. 1112(a)(1)(A), 1116(a)(1), 2102(b)(3), 3116(b)(4)(C), 4106(c)
<p>SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS. <i>(a) PLANS REQUIRED. —</i> <i>(1) SUBGRANTS. —A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that—</i> <i>(A) is developed with timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders (in a local educational agency that has charter schools), administrators (including administrators of programs described in other parts of this title), other appropriate school personnel, and with parents of children in schools served under this part;....</i></p> <p>SEC. 1116. [20 U.S.C. 6318] PARENT AND FAMILY ENGAGEMENT. <i>(a) LOCAL EDUCATIONAL AGENCY POLICY. —</i> <i>(1) IN GENERAL. —A local educational agency may receive funds under this part only if such agency conducts outreach to all parents and family members and implements programs, activities, and procedures for the involvement of parents and family members in programs assisted under this part consistent with this section. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children.</i></p> <p>SEC. 2102. [20 U.S.C. 6612] SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES. <i>(b) LOCAL APPLICATIONS. —</i> <i>(3) CONSULTATION. —In developing the application described in paragraph (2), a local educational agency shall—</i></p>	<p>Demonstration of Compliance</p> <ul style="list-style-type: none"> <input type="checkbox"/> Stakeholder engagement approved in the consolidated application occurred. <input type="checkbox"/> Stakeholders had the opportunity to provide feedback on the LEA’s plan for the use of Title I, Title II, Title III, and Title IV funds. <p>Examples of Evidence</p> <ul style="list-style-type: none"> ■ A list of roles represented on the DAC or SAC (e.g., “1, principal, 10 teachers, 7 parents of general ed students, 2 parents of sped students, 4 parents of ELs”) ■ Documentation of stakeholder engagement <ul style="list-style-type: none"> ■ Agendas from stakeholder meetings ■ Content provided at stakeholder meetings (PPT or other materials shared) <ul style="list-style-type: none"> ▪ Sample of documents examined during stakeholder engagement activities ■ Meeting notes including participant information and feedback ■ Schedule of stakeholder engagement activities <ul style="list-style-type: none"> ▪ List of applicable stakeholder groups based on local context

(A) meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a local educational agency that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title;

(B) seek advice from the individuals and organizations described in subparagraph (A) regarding how best to improve the local educational agency's activities to meet the purpose of this title; and

(C) coordinate the local educational agency's activities under this part with other related strategies, programs, and activities being conducted in the community.

SEC. 3116. [20 U.S.C. 6826] LOCAL PLANS.

(b) CONTENTS. —Each plan submitted under subsection (a) shall—

(4) contain assurances that—

(C) the eligible entity consulted with teachers, researchers, school administrators, parents and family members, community members, public or private entities, and institutions of higher education, in developing and implementing such plan;....

SEC. 4106. [20 U.S.C. 7116] LOCAL EDUCATIONAL AGENCY APPLICATIONS.

(c) CONSULTATION. —

(1) IN GENERAL. —A local educational agency, or consortium of such agencies, shall develop its application through consultation with parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations that may be located 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), and others with relevant and

demonstrated expertise in programs and activities designed to meet the purpose of this subpart.

(2) CONTINUED CONSULTATION.—The local educational agency, or consortium of such agencies, shall engage in continued consultation with the entities described in paragraph (1) in order to improve the local activities in order to meet the purpose of this subpart and to coordinate such implementation with other related strategies, programs, and activities being conducted in the community.

SEC. 8306. [20 U.S.C. 7846] OTHER GENERAL ASSURANCES

(a) ASSURANCES.—Any applicant, other than a State educational agency that submits a plan or application under this Act, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—
(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment.

Demonstration of Compliance

- ☐ Complete plan, or plan summary, posted for public comment.
- ☐ LEA can demonstrate how public comments were considered and communicated with stakeholders.

Examples of Evidence

- Notice of meetings/public hearings, agendas, attendance logs, and minutes from public hearings/meetings (prior to submission, during revisions, after finalized plan)
- Dissenting parent comments have been submitted to consolidatedapplications@cde.state.co.us.

SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS.*(e) PARENTS RIGHT-TO-KNOW.—**(1) INFORMATION FOR PARENTS.—**(A) IN GENERAL.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including at a minimum, the following:**(i) Whether the student's teacher—**(I) has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;**(II) is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and**(III) is teaching in the field of discipline of the certification of the teacher.**(ii) Whether the child is provided services by paraprofessionals and, if so, their qualifications.***SEC. 3116. [20 U.S.C. 6826] LOCAL PLANS.***(b) CONTENTS.—Each plan submitted under subsection (a) shall—**(4) contain assurances that—**(A) each local educational agency that is included in the eligible entity is complying with section 1112(e) prior to, and throughout, each school year as of the date of application;....***Demonstration of Compliance**

- ☐ The LEA has written plans, procedures, or policies for parents to request classroom teacher qualification information, including at a minimum:
 - ☐ whether the student's teacher:
 - ☐ has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
 - ☐ is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived; and
 - ☐ is teaching in the field of discipline of the certification of the teacher.
- ☐ whether the child is provided services by paraprofessionals and, if so, their qualifications.

Examples of Evidence

- Plans, procedures, or policies related to requests for teacher qualification information
- Samples of communication with parents regarding opportunities to request teacher qualification information

SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS.

(e) PARENTS RIGHT-TO-KNOW. —

(1) INFORMATION FOR PARENTS. —

(B) ADDITIONAL INFORMATION. —In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part shall provide to each individual parent of a child who is a student in such school, with respect to such student—

(i) information on the level of achievement and academic growth of the student, if applicable and available, on each of the State academic assessments required under this part;....

SEC. 3116. [20 U.S.C. 6826] LOCAL PLANS.

(b) CONTENTS. —Each plan submitted under subsection (a) shall—
(4) contain assurances that—

(A) each local educational agency that is included in the eligible entity is complying with section 1112(e) prior to, and throughout, each school year as of the date of application;....

Demonstration of Compliance

☐ Families and parents are notified of their students' performance (achievement and growth) including, but not limited to, information related to (as applicable):

- ☐ READ Act assessments,
- ☐ Colorado Measures of Academic Success (CMAS),
- ☐ ACCESS for ELLs,
- ☐ PSAT, and SAT,
- ☐ Other alternative assessments.

Examples of Evidence

- Sample of parent notification letters regarding student performance
- Content of parent/teacher conferences related to student performance (handouts, flyers, letters, reports, talking points, etc.)
- Annual communication policy/plan

SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS.

(e) PARENTS RIGHT-TO-KNOW.—

(1) INFORMATION FOR PARENTS.—

(B) ADDITIONAL INFORMATION.—In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part shall provide to each individual parent of a child who is a student in such school, with respect to such student—
(ii) timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

SEC. 3116. [20 U.S.C. 6826] LOCAL PLANS.

(b) CONTENTS.—Each plan submitted under subsection (a) shall—

(4) contain assurances that—

(A) each local educational agency that is included in the eligible entity is complying with section 1112(e) prior to, and throughout, each school year as of the date of application;....

Demonstration of Compliance

- ☐ The LEA has written plans, procedures, processes, and/or policies to notify parents of teacher qualifications.

Examples of Evidence

- Plans, procedures, processes, or policies regarding teacher qualifications and parents right-to-know
- Sample of parent notification

SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS.*(e) PARENTS RIGHT-TO-KNOW. —**(2) TESTING TRANSPARENCY. —**(A) IN GENERAL. —At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the local educational agency will provide the parents on request (and in a timely manner), information regarding any State or local educational agency policy regarding student participation in any assessments mandated by section 1111(b)(2) and by the State or local educational agency, which shall include a policy, procedure, or parental right to opt the child out of such assessment, where applicable.***SEC. 3116. [20 U.S.C. 6826] LOCAL PLANS.***(b) CONTENTS. —Each plan submitted under subsection (a) shall—**(4) contain assurances that—**(A) each local educational agency that is included in the eligible entity is complying with section 1112(e) prior to, and throughout, each school year as of the date of application;....***Demonstration of Compliance**

- ☐ The LEA has written plans, procedures, or policies for parents to request assessment information, including opt out procedures.
 - Parent notification letters regarding opportunities to request assessment information, including opt out procedures.
- ☐ Communications sent to parents are clear, concise, and in a format and language that parents can access and understand describing assessment information, including opt out procedures.

Examples of Evidence

- Policies and procedures regarding the parental rights to access information on assessment
- Copies of parent notification letters for different grade levels and assessment types as needed to demonstrate compliance
- Opt-Out procedures
- Email and social media communications with required assessment information (excluding any personally identifiable information)

SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS.

(e) *PARENTS RIGHT-TO-KNOW.*—

(2) *TESTING TRANSPARENCY.*—

(B) *ADDITIONAL INFORMATION.*—*Subject to subparagraph (C), each local educational agency that receives funds under this part shall make widely available through public means (including by posting in a clear and easily accessible manner on the local educational agency’s website and, where practicable, on the website of each school served by the local educational agency) for each grade served by the local educational agency, information on each assessment required by the State to comply with section 1111, other assessments required by the State, and where such information is available and feasible to report, assessments required districtwide by the local educational agency, including— (i) the subject matter assessed; (ii) the purpose for which the assessment is designed and used; (iii) the source of the requirement for the assessment; and (iv) where such information is available— (I) the amount of time students will spend taking the assessment, and the schedule for the assessment; and (II) the time and format for disseminating results.*

(C) *LOCAL EDUCATIONAL AGENCY THAT DOES NOT OPERATE A WEBSITE.*—*In the case of a local educational agency that does not operate a website, such local educational agency shall determine how to make the information described in subparagraph (A) widely available, such as through distribution of that information to the media, through public agencies, or directly to parents.*

SEC. 3116. [20 U.S.C. 6826] LOCAL PLANS.

(b) *CONTENTS.*—*Each plan submitted under subsection (a) shall—*

(4) *contain assurances that—*

(A) *each local educational agency that is included in the eligible entity is complying with section 1112(e) prior to, and throughout, each school year as of the date of application;....*

Demonstration of Compliance

- ☐ The LEA has written plans, procedures, or policies for sharing information on required assessments.
- ☐ Communications to parents are clear, concise, and in a format and language that parents can access and understand.
- ☐ The LEA makes assessment information widely available through distribution of information to the media, through public agencies, or directly to parents.

Examples of Evidence

- Links to assessment information on websites
- Agendas, attendance logs, and minutes from parent meetings where assessment information is shared
- Notifications in multiple languages, where available, explaining assessment results
- Email and social media communications with required assessment information (excluding any personally identifiable information)

SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS.*(e) PARENTS RIGHT-TO-KNOW.—**(3) LANGUAGE INSTRUCTION.—**(C) PARENTAL PARTICIPATION.—**(i) IN GENERAL.—Each local educational agency receiving funds under this part shall implement an effective means of outreach to parents of English learners to inform the parents regarding how the parents can—**(I) be involved in the education of their children; and**(II) be active participants in assisting their children to—**(aa) attain English proficiency;**(bb) achieve at high levels within a well-rounded education; and**(cc) meet the challenging State academic standards expected of all students.**(ii) REGULAR MEETINGS.—Implementing an effective means of outreach to parents under clause (i) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part or title III.***SEC. 3116. [20 U.S.C. 6826] LOCAL PLANS.***(b) CONTENTS.—Each plan submitted under subsection (a) shall—**(4) contain assurances that—**(A) each local educational agency that is included in the eligible entity is complying with section 1112(e) prior to, and throughout, each school year as of the date of application;....***Demonstration of Compliance**

- ☐ Outreach includes information regarding how parents and families can:
 - ☐ be involved in the education of their children; and
 - ☐ be active participants in assisting their children to
 - ☐ attain English proficiency;
 - ☐ achieve at high levels within a well-rounded education; and
 - ☐ meet the CAS and CELP standards expected of all students.
- ☐ LEA holds regular meetings with parents and families of English learners to collect recommendations for Title I and/or Title III programming.
 - ☐ Meetings provide opportunities for parents to formulate and provide recommendations on Title I or III services.
 - ☐ Recommendations from parents regarding Title I and Title III services have been considered and any resulting decisions have been shared with parents of ELs.

Examples of Evidence

- Sample letter(s) that are sent to parents
- Agendas, sign-in sheets, minutes, or materials shared during opportunities for involvement
- Content of parent meetings and/or events related to supporting ELs with language attainment and academic needs (e.g., discussion or talking points, list of questions, PPT, resources provided)

SEC. 1117. [20 U.S.C. 6320] PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.*(b) CONSULTATION.—**(1) IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of such agency's programs under this part. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, the results of which agreement shall be transmitted to the ombudsman designated under subsection (a)(3)(B). Such process shall include consultation on issues such as—**(A) how the children's needs will be identified;**(B) what services will be offered;**(C) how, where, and by whom the services will be provided;**(D) how the services will be academically assessed and how the results of that assessment will be used to improve those services;**(E) the size and scope of the equitable services to be provided to the eligible private school children, the proportion of funds that is allocated under subsection (a)(4)(A) for such services, and how that proportion of funds is determined;**(F) the method or sources of data that are used under subsection (c) and section 1113(c)(1) to determine the number of children from low-income families in participating school attendance areas who attend private schools;**(G) how and when the agency will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers;**(H) how, if the agency disagrees with the views of the private school officials on the provision of services through a contract, the local***Demonstration of Compliance**

- ☐ All eligible non-public schools were consulted in a timely, meaningful, and ongoing manner.
- ☐ Each LEA must have a process that it follows for consulting with its non-public schools. The LEA must submit evidence to CDE to demonstrate what that consultation process looks like and that the process has occurred in a timely and meaningful way for all eligible non-public schools.
- ☐ Evidence demonstrates that the LEA has continued consultation throughout the provision, implementation, and assessment of equitable services.

Examples of Evidence

- Non-Public School Consultation Forms are submitted as a part of the LEA's application for funds. CDE will be able to verify demonstration of compliance on this indicator. However, in some instances, it might be necessary for CDE to collect additional evidence from the LEA.
- Evidence of communication to non-public schools to participate in the consultation process for equitable services
- For all eligible non-public schools, provide consultation forms, if not previously submitted as part of the application for funds. The consultation forms should:
 - include signatures from representatives of both the district and the non-public school(s),
 - document the decision regarding participation of the non-public school(s),
 - for non-public schools that were non-responsive, include documentation of multiple contact attempts when consultation did not occur.
- Survey provided to non-public schools to identify needs

educational agency will provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to use a contractor;

(I) whether the agency shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor;

*(J) whether to provide equitable services to eligible private school children—
(i) by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(A) based on all the children from low-income families in a participating school attendance area who attend private schools; or (ii) in the agency's participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(A) based on the number of children from low-income families who attend private schools;*

(K) when, including the approximate time of day, services will be provided; and

(L) whether to consolidate and use funds provided under subsection (a)(4) in coordination with eligible funds available for services to private school children under applicable programs, as defined in section 8501(b)(1) to provide services to eligible private school children participating in programs.

(2) DISAGREEMENT.—If a local educational agency disagrees with the views of private school officials with respect to an issue described in paragraph (1), the local educational agency shall provide in writing to such private school officials the reasons why the local educational agency disagrees.

(3) TIMING.—Such consultation shall include meetings of agency and private school officials and shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part. Such meetings shall continue throughout implementation and assessment of services provided under this section.

(4) DISCUSSION.—Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

(5) DOCUMENTATION.—Each local educational agency shall maintain in the agency's records and provide to the State educational agency involved a

- Memorandum of understanding with receiving LEAs that consult and provide equitable services to participating non-public schools outside the sending LEA's boundary. [ESEA]
- For non-public schools that are not eligible for services a memorandum or other documentation of the reasons for ineligibility. For example:
 - Low-income student counts from non-public schools,
 - School is for-profit, or
 - School only serves preschool students.

Note: If a Non-Public School has filed a complaint against an LEA, CDE may already have access to additional documentation that may become a part of monitoring:

- Complaint received from any Non-Public Schools regarding consultation process or opportunities to participate in the consultation process
- District response to any formal complaints filed on behalf of Non-Public Schools

written affirmation signed by officials of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

SEC. 8501. [20 U.S.C. 7881] PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

(b) APPLICABILITY. —

(1) IN GENERAL. —This section applies to programs under—

(A) part C of title I;

(B) part A of title II;

(C) part A of title III;

(D) part A of title IV; and

(E) part B of title IV.

SEC. 18005. ASSISTANCE TO NON-PUBLIC SCHOOLS

(a) IN GENERAL. —A local educational agency receiving funds under sections 18002 or 18003 of this title shall provide equitable services in the same manner as provided under section 1117 of the ESEA of 1965 to students and teachers in non-public schools, as determined in consultation with representatives of non-public schools.

Title I, Part A Requirements

SE 1.1 Title I, Part A Annual Meeting

SEC. 1116. [20 U.S.C. 6318] PARENT AND FAMILY ENGAGEMENT.

(c) POLICY INVOLVEMENT.—Each school served under this part shall— (1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school’s participation under this part and to explain the requirements of this part, and the right of the parents to be involved; (2) offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement;

(3) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the planning, review, and improvement of the school parent and family engagement policy and the joint development of the schoolwide program plan under section 1114(b), except that if a school has in place a process for involving parents in the joint planning and design of the school’s programs, the school may use that process, if such process includes an adequate representation of parents of participating children;

(4) provide parents of participating children—

(A) timely information about programs under this part;

(B) a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels of the challenging State academic standards; and

(C) if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible; and

(5) if the schoolwide program plan under section 1114(b) is not satisfactory to the parents of participating children, submit any parent comments on the plan when the school makes the plan available to the local educational agency.

ESEA Sec. 1116(c)

Demonstration of Compliance

- ☐ Parents and family of all participating students have been invited and encouraged to attend annual meeting.
 - Clear and concise communications are provided to parents in a format and language that parents can access and understand.
- ☐ Annual Meeting(s) are convened for parents and families of all participating students in a timely, convenient, inclusive and flexible manner.
- ☐ Family schedules and availability are considered when scheduling meetings.
 - LEA determines the languages and formats that the information will be shared. Translation/interpretation services are consistent with this program as well as other policies and processes.
- ☐ Evidence of ongoing parent and family input
 - Evidence that opportunities, for parents whose primary language is not English, are able to understand and participate throughout the year.

Examples of Evidence

- Communication sent to parents and families in advance with options for different meeting times
- Meeting agendas, attendance, and minutes for involvement of parents in meetings regarding the planning, evaluation of, or improvement of the school’s Title I programs (UIP/schoolwide plan development, budget meetings, etc.)
 - Content of meeting, including materials that guide discussions and provide opportunity for input (e.g., discussion or talking points, template or conversation guide, list of questions, PPT)
 - LEA calendar of all Title I school annual meetings

SEC. 1111. [20 U.S.C. 6311] STATE PLANS.

(h) REPORTS.—

(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

(C) MINIMUM REQUIREMENTS.—The State educational agency shall ensure that each local educational agency collects appropriate data and includes in the local educational agency's annual report the information described in paragraph (1)(C), disaggregated in the same manner as required under such paragraph, except for clause (xii) of such paragraph, as applied to the local educational agency and each school served by the local educational agency, including—

(i) in the case of a local educational agency, information that shows how students served by the local educational agency achieved on the academic assessments described in subsection (b)(2) compared to students in the State as a whole;

(ii) in the case of a school, information that shows how the school's students' achievement on the academic assessments described in subsection (b)(2) compared to students served by the local educational agency and the State as a whole; and

(iii) any other information that the local educational agency determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the local educational agency, whether or not such information is included in the annual State report card.

Demonstration of Compliance

- ☐ LEA completes and publishes an annual report on their website OR provides a link to the CDE annual report.
- ☐ Parents and families have been notified of the availability of the LEA report on the CDE website.
 - Evidence of Parent notification letters
 - Clear and concise communications to parents in format and language that parents can access and understand
- ☐ LEA facilitates stakeholder meetings explaining the details of the annual report.
- ☐ Clear and concise communications to parents in format and language that parents can access and understand.

Examples of Evidence

- A link to the [CDE Every Student Succeeds Act \(ESSA\) Local Reports Website](http://www.cde.state.co.us/fedprograms/localreportcards) (<http://www.cde.state.co.us/fedprograms/localreportcards>) on the LEA website
- A locally-developed annual report posted on the LEA website
- Sample of notification letters provided to parents and families regarding the availability of the annual report
- Meeting agendas, attendance, and minutes for stakeholder meetings that explained details of the annual report

SE 1.3 LEA Parent and Family Engagement Policy

SEC. 1116. [20 U.S.C. 6318] PARENT AND FAMILY ENGAGEMENT.

(a) LOCAL EDUCATIONAL AGENCY POLICY.—

(2) WRITTEN POLICY.—Each local educational agency that receives funds under this part shall develop jointly with, agree on with, and distribute to, parents and family members of participating children a written parent and family engagement policy. The policy shall be incorporated into the local educational agency's plan developed under section 1112, establish the agency's expectations and objectives for meaningful parent and family involvement, and describe how the agency will—

(A) involve parents and family members in jointly developing the local educational agency plan under section 1112, and the development of support and improvement plans under paragraphs (1) and (2) of section 1111(d).

(B) provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the local educational agency in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance, which may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education;

(C) coordinate and integrate parent and family engagement strategies under this part with parent and family engagement strategies, to the extent feasible and appropriate, with other relevant Federal, State, and local laws and programs;

(D) conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served under this part, including identifying— (i) barriers to greater participation by parents in activities authorized by this section (with particular attention to parents who are economically disadvantaged, are

ESEA Sec. 1116(a)(2)

Demonstration of Compliance

- ☐ Policy was written in collaboration with parents and family members.
- ☐ Written policy establishes expectations and objectives for meaningful parent and family engagement.

Policy describes how the LEA will:

- ☐ involve parents and family members in jointly developing the LEA plan and the LEA's support and improvement plan.
- ☐ provide coordination, technical assistance, and other support necessary to build the capacity of all participating schools in planning and implementing effective parent and family engagement activities to improve student academic achievement and school performance.
- ☐ coordinate and integrate parent and family engagement strategies, to the extent feasible and appropriate, with other relevant Federal, State, and local laws and programs.
- ☐ conduct, with the meaningful involvement of parent and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served under Title I, Part A, including identifying:
 - ☐ barriers to greater participation by parents (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background),
 - ☐ the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teacher; and
 - ☐ strategies to support successful school and family interactions.
- ☐ use the finding of such evaluation to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policies.

disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background); (ii) the needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and (iii) strategies to support successful school and family interactions;

(E) use the findings of such evaluation in subparagraph (D) to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policies described in this section; and

(F) involve parents in the activities of the schools served under this part, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the local educational agency to adequately represent the needs of the population served by such agency for the purposes of developing, revising, and reviewing the parent and family engagement policy.

- ☐ involve parents in the activities of the schools served.

Written policy has been:

- ☐ developed jointly and agreed on with parents and families of participating children.
- ☐ distributed to parents and families of participating children.
- ☐ incorporated into the LEA Plan.
- ☐ implemented in a manner that builds the capacity of schools to more effectively engage parents and families.
- ☐ evaluated and revised, as necessary, within the last year.

Examples of Evidence

- Written district-level Parent and Family Engagement policy
- Meeting materials (agendas, attendance, minutes) from activities that build school capacity
- Content of meetings with parents and families, including materials that guide discussions and provide opportunity for input (e.g., discussion or talking points, template or conversation guide, list of questions, PPT)
- Summary of evaluation results and resulting action

SEC. 1116. [20 U.S.C. 6318] PARENT AND FAMILY ENGAGEMENT.

(b) SCHOOL PARENT AND FAMILY ENGAGEMENT POLICY.—

(1) IN GENERAL.—Each school served under this part shall jointly develop with, and distribute to, parents and family members of participating children a written parent and family engagement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f). Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.

(2) SPECIAL RULE.—If the school has a parent and family engagement policy that applies to all parents and family members, such school may amend that policy, if necessary, to meet the requirements of this subsection.

(3) AMENDMENT.—If the local educational agency involved has a school district-level parent and family engagement policy that applies to all parents and family members in all schools served by the local educational agency, such agency may amend that policy, if necessary, to meet the requirements of this subsection.

(4) PARENTAL COMMENTS.—If the plan under section 1112 is not satisfactory to the parents of participating children, the local educational agency shall submit any parent comments with such plan when such local educational agency submits the plan to the State.

(c) POLICY INVOLVEMENT.—Each school served under this part shall— (1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain the requirements of this part, and the right of the parents to be involved; (2) offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement; (3) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the planning, review, and improvement of the school parent and family engagement policy

Demonstration of Compliance

Either the Title I school has its own school level family engagement policy that meets the following requirements OR the LEA's family engagement policy has been amended to include the requirements for the Title I school:

The written policy includes descriptions about how the school (or LEA on behalf of school) will...

- ☐ convene an annual meeting where families of all Title I, Part A students are informed of:
 - ☐ their school's participation in Title I,
 - ☐ requirements,
 - ☐ and parent's rights.
- ☐ provide families with:
 - ☐ timely information about Title IA programs.
 - ☐ a description of curriculum in use at the school, forms of academic assessments used to measure student progress, and the achievement levels of state academic standards.
 - ☐ if requested, opportunities for regular meetings to formulate suggestions and to participate in decisions relating to the education of their children, and respond to any such suggestion as soon as practicably possible.
- ☐ submit any parent comments on the plan when the school makes the plan available to the LEA, if the schoolwide plan is not satisfactory to the families of participating children.
- ☐ jointly develop a school-parent compact that outlines how parents, staff, and students share responsibility for improved student academic achievement, and the means by which the school and families will develop this partnership. This compact shall:

and the joint development of the schoolwide program plan under section 1114(b), except that if a school has in place a process for involving parents in the joint planning and design of the school's programs, the school may use that process, if such process includes an adequate representation of parents of participating children;

(4) provide parents of participating children—

(A) timely information about programs under this part;

(B) a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels of the challenging State academic standards; and

(C) if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible; and

(5) if the schoolwide program plan under section 1114(b) is not satisfactory to the parents of participating children, submit any parent comments on the plan when the school makes the plan available to the local educational agency.

(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT ACADEMIC ACHIEVEMENT.—

As a component of the school-level parent and family engagement policy developed under subsection (b), each school served under this part shall jointly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet the challenging State academic standards, and the ways in which each parent will be responsible for supporting their children's learning; volunteering in their child's classroom; and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and

(2) address the importance of communication between teachers and parents on an ongoing basis through, at a minimum—

- ☐ describe the school's responsibility to provide high-quality curriculum and instruction, and the ways families will be responsible for supporting their student's learning.
- ☐ address the importance of communication between teachers and parents through:
 - ☐ Parent Teacher Conferences,
 - ☐ frequent reports to parents,
 - ☐ reasonable access to staff, and
 - ☐ ensuring regular two-way meaningful communication.
- ☐ provide, to the extent practicable, opportunities for the informed participation of parents and family members in a language such parents understand.

Written policy has been:

- ☐ developed jointly and agreed on with parents and families of participating children.
- ☐ distributed to parents and families of participating children, *to the extent practicable, in a language the parents can understand*
- ☐ implemented in a manner that builds the capacity of parents and families.
- ☐ evaluated and revised, as necessary.

Examples of Evidence

- Evidence of implementation of activities described in the written policy/LEA plan
 - Sample of school-parents compacts
 - Meeting agendas, attendance, and minutes for involvement of parents in development of policy
 - Content of meeting, including materials that guide discussions and provide opportunity for input (e.g., discussion or talking points, template or conversation guide, list of questions, PPT)

(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;

(B) frequent reports to parents on their children's progress;

(C) reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities; and

(D) ensuring regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.

(f) ACCESSIBILITY.—In carrying out the parent and family engagement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide opportunities for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports required under section 1111 in a format and, to the extent practicable, in a language such parents understand.

- Schedule of professional learning opportunities related to parent and family engagement
- Content of trainings or learning opportunities related to parent and family engagement
- Meeting agendas, attendance, and minutes for opportunities that build families' capacity
- Summary of survey results

SE 1.6 Building Parent and Family Capacity

SEC. 1116. [20 U.S.C. 6318] PARENT AND FAMILY ENGAGEMENT.

(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement, each school and local educational agency assisted under this part—

(1) shall provide assistance to parents of children served by the school or local educational agency, as appropriate, in understanding such topics as the challenging State academic standards, State and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of their children;

(2) shall provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology (including education about the harms of copyright piracy), as appropriate, to foster parental involvement;

(3) shall educate teachers, specialized instructional support personnel, principals, and other school leaders, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;

(4) shall, to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with other Federal, State, and local programs, including public preschool programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children;

(5) shall ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand;

ESEA Sec. 1116(e)(1-14)

Demonstration of Compliance

- ☐ The LEA has provided training and support to build the capacity of parents and families to support their students.
- ☐ Training includes information related to standards, assessments, progress monitoring, family literacy, safe use of technology, educational opportunities, etc., based on the needs of the school and community as determined by the district.
- ☐ Trainings should build the capacity for involvement by:
 - ☐ providing assistance to families in understanding topics (e.g., state standards, local assessments) and how to monitor a child's progress and work with educators to improve student achievement.
 - ☐ providing materials and training to help families work with their children.
 - ☐ educating teachers in the value of the contributions of families, and how to work with families as equal partners, implement and coordinate parent programs, and build ties with parents and the school.
 - ☐ coordinating and integrating, to the extent feasible, family involvement programs and activities with other Federal, State, and local programs.
 - ☐ ensuring that information related to school and parent programs, meetings, and other activities is sent to the parents in a format and, to the extent practicable, in a language the families can understand.
- ☐ Training should provide other reasonable support for family involvement activities, as parents may request.

(6) may involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training;

(7) may provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such training;

(8) may pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

(9) may train parents to enhance the involvement of other parents;

(10) may arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;

(11) may adopt and implement model approaches to improving parental involvement;

(12) may establish a districtwide parent advisory council to provide advice on all matters related to parental involvement in programs supported under this section;

(13) may develop appropriate roles for community-based organizations and businesses in parent involvement activities; and

(14) shall provide such other reasonable support for parental involvement activities under this section as parents may request.

Examples of Evidence

- Meeting/gathering, agendas, attendance logs, and minutes from parent engagement planning meetings and activities
- Materials and PPTs used during the trainings
- LEA's and schools' parent and family engagement policies
- Evidence of supporting transportation and child care costs to enable parents to participate in school-related meetings and training sessions (flyers, receipts, childcare attendance, etc)
- Written plan for improving parental involvement
- Districtwide parent advisory council minutes, agendas, and attendance logs

Title IV, Part A Requirements

SE 4.1 Title IV, Part A Needs Assessment

SEC. 4106. [20 U.S.C. 7116] LOCAL EDUCATIONAL AGENCY APPLICATIONS.

(d) NEEDS ASSESSMENT. —

(1) IN GENERAL. —Except as provided in paragraph (2) and prior to receiving an allocation under this subpart, a local educational agency or consortium of such agencies shall conduct a comprehensive needs assessment of the local educational agency or agencies proposed to be served under this subpart in order to examine needs for improvement of—

(A) access to, and opportunities for, a well-rounded education for all students;

(B) school conditions for student learning in order to create a healthy and safe school environment; and

(C) access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.

(2) EXCEPTION. —A local educational agency receiving an allocation under section 4105(a) in an amount that is less than \$30,000 shall not be required to conduct a comprehensive needs assessment under paragraph (1).

(3) FREQUENCY OF NEEDS ASSESSMENT. —Each local educational agency, or consortium of local educational agencies, shall conduct the needs assessment described in paragraph (1) once every 3 years.

ESEA Sec. 4106(d)

Demonstration of Compliance

- ☐ For LEAs receiving an allocation of greater than \$30,000, a comprehensive needs assessment must be conducted every three years to examine the needs for improvement of well-rounded educational opportunities, school conditions for student learning, and access to personalized learning experiences supported by technology.

Examples of Evidence

- Copy of needs assessment
- Activities provided by Title IV, Part A align with needs assessment
 - UIP performance challenge or root cause
 - LEA comprehensive needs assessment

Identification and Delivery of Services [ID]

The LEA and Title I schools identify the needs of their students and staff, design and implement programs and activities to meet the identified needs.

ID 7.1 20% Learning Loss Set-Aside (In Colorado: Addressing Lost Instructional Time)

ARP ESSER III Sec. 2001(e)(1);
ESEA Sec. 8101(21)(A)

SEC. 2001. ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND.

(e) USES OF FUNDS.—A local educational agency that receives funds under this section—

(1) shall reserve not less than 20 percent of such funds to address learning loss through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs, and ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on the student subgroups described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)), students experiencing homelessness, and children and youth in foster care;

SEC. 8101. [20 U.S.C. 7801] DEFINITIONS

(21) EVIDENCE-BASED.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “evidence-based”, when used with respect to a State, local educational agency, or school activity, means an activity, strategy, or intervention that—

(i) demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—

(I) strong evidence from at least 1 well-designed and well-implemented experimental study;

(II) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or

Demonstration of Compliance

- ☐ The LEA has used at least 20% of the LEA's ARP-ESSER III allocation for addressing lost instructional time.
- ☐ The LEA has used funds to address the academic, social, emotional, and mental health needs of students.
- ☐ The LEA has a process for identifying the academic, social, emotional, and mental health needs of students, which includes disaggregation of the data for the student populations specified in statute who are enrolled in the LEA.
- ☐ The LEA has a process for ensuring that the academic, social, emotional, and mental health needs of students are addressed.
- ☐ The LEA has used funds to address any identified disproportionate impact of the coronavirus on student groups, including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children and youth in foster care, and migratory students.
- ☐ Activities implemented by the LEA to address learning loss meet the criteria for being evidence-based interventions based on ESEA Section 8101(21)(A) and [USDE guidance](#).

Examples of Evidence

- Complete narrative response provided in the ARP-ESSER III application explaining how funds were used to respond to learning loss [if CDE has an approved narrative on file; no need to resubmit as part of monitoring]

(III) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or

(ii)

(I) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and

(II)¹¹ includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

¹¹Margin for subclause (II) of clause (ii) is so in law.

- At least 20% of allocated funds in the ARP-ESSER III application coded using Funding Source 9414 and each line item references an evidence-based intervention that meets ESEA §8101(21)(A) [LEA ESSER III application is already on file with CDE and does not need to be resubmitted].
- Expenditure reports that demonstrate at least 20% of allocated funds were used for evidence-based interventions, as approved in the ESSER III application, such as:
 - summer learning
 - summer enrichment
 - extended day
 - comprehensive after school programs
 - extended school year programs
 - other evidence-based interventions aimed at learning loss
- Links to or citations corresponding to evidence/research that demonstrates the intervention(s) outlined in the application [if using one of the evidence-based interventions specified by the USDE (e.g., summer learning, summer enrichment, extended day), citations/links are not required].
- Evidence demonstrating implementation of the process outlined in the narrative response on how the LEA used data to identify needs, progress monitor, and/or evaluate student academic, social, emotional, or mental health outcomes to ensure that strategies are addressing needs of students (for general student population and any student groups who have been disproportionately impacted), such as:
 - notes from data meetings wherein needs, progress monitoring, or evaluation were discussed,
 - PowerPoint slides that provide an overview of the data used to identify needs, share progress, or evaluation results, or
 - data visualization summarizing student needs, progress, or evaluation results.
- Evidence demonstrating implementation of evidence-based interventions: lesson plans, student participation data, time and effort reports, summer school or afterschool activity schedules, etc

Cross Program Requirements

ID 9.1 Use of Funds

2 CFR 200.332(d-e);
ESEA Sec. 1001, 1401, 2001, 3102, 4101;
CARES Act Sec. 18003(d)(1-12);
CRRSA ESSER II Sec. 313(d)(1-15);
ARP ESSER III Sec. 2001(e)(1), 2001(e)(2)(A-J)

§ 200.332 Requirements for pass-through entities.

(d) Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Pass-through entity monitoring of the subrecipient must include:

(1) Reviewing financial and performance reports required by the pass-through entity.

(2) Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and written confirmation from the subrecipient, highlighting the status of actions planned or taken to address Single Audit findings related to the particular subaward.

(3) Issuing a management decision for applicable audit findings pertaining only to the Federal award provided to the subrecipient from the pass-through entity as required by § 200.521.

(4) The pass-through entity is responsible for resolving audit findings specifically related to the subaward and not responsible for resolving crosscutting findings. If a subrecipient has a current Single Audit report posted in the Federal Audit Clearinghouse and has not otherwise been excluded from receipt of Federal funding (e.g., has been debarred or suspended), the pass-through entity may rely on the subrecipient's cognizant audit agency or cognizant oversight agency to perform audit follow-up and make management decisions related to cross-cutting findings in accordance with section § 200.513(a)(3)(vii). Such reliance does not eliminate the responsibility of the pass-through entity to issue subawards

Demonstration of Compliance

- ☐ Funds are used for authorized purposes only, meaning funded and implemented activities match the application for funds as approved by CDE.
- ☐ Funded and implemented activities comply with federal statutes, regulations, and terms and conditions of the grant program, including those outlined in the application, assurances, and grant award letters.
- ☐ Funded and implemented activities must be reasonable - based on a prudent person's judgment, align with similar activities funded with other funds, align with fair market values for such items, with additional considerations made for the LEA's geographical area and the accessibility of items, or be the most cost-effective way to implement such an activity/purchase such items.
- ☐ Funded and implemented activities must be necessary to meet the program performance goals and intended purposes (i.e., are allocable to the program).
- ☐ For ESEA programs in the Consolidated Application:
 - ☐ Activities must be allocable, meaning that funded activities or items were necessary to
 - ☐ Title I, Part A - provide all children a significant opportunity to receive a fair, equitable, and high-quality education, and to close educational gaps.
 - ☐ Title I, Part D - (1) to improve educational services for children and youth in local, tribal, and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet

that conform to agency and award-specific requirements, to manage risk through ongoing subaward monitoring, and to monitor the status of the findings that are specifically related to the subaward.

(e) Depending upon the pass-through entity's assessment of risk posed by the subrecipient (as described in paragraph (b) of this section), the following monitoring tools may be useful for the pass-through entity to ensure proper accountability and compliance with program requirements and achievement of performance goals:

- (1) Providing subrecipients with training and technical assistance on program-related matters; and*
- (2) Performing on-site reviews of the subrecipient's program operations;*
- (3) Arranging for agreed-upon-procedures engagements as described in § 200.425.*

SEC. 1001. [20 U.S.C. 6301] STATEMENT OF PURPOSE.

The purpose of this title is to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.

SEC. 1401. [20 U.S.C. 6421] PURPOSE AND PROGRAM AUTHORIZATION. *(a) PURPOSE.—It is the purpose of this part—*

- (1) to improve educational services for children and youth in local, tribal, and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same challenging State academic standards that all children in the State are expected to meet;*
- (2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and (3) to prevent at-risk youth from dropping out of school, and to provide dropouts, and children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education and the involvement of their families and communities.*

the same challenging State academic standards that all children in the State are expected to meet; (2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and (3) to prevent at-risk youth from dropping out of school, and to provide dropouts, and children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education and the involvement of their families and communities.

- ❑ Title II, Part A - increase student achievement consistent with the challenging state academic standards; improve quality and effectiveness of teachers, principals, and other school leaders; and increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement, in schools, and provide low-income and minority students greater access to effective teachers, principals, and other school leaders.
- ❑ Title III, Part A - (1) help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English; (2) to assist all English learners, including immigrant children and youth, to achieve at high levels in academic subjects so that all English learners can meet the same challenging State academic standards that all children are expected to meet; (3) to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, local educational agencies, and schools in establishing, implementing, and sustaining effective

SEC. 2001. [20 U.S.C. 6601] PURPOSE.

The purpose of this title is to provide grants to State educational agencies and subgrants to local educational agencies to—

- (1) increase student achievement consistent with the challenging State academic standards;*
- (2) improve the quality and effectiveness of teachers, principals, and other school leaders;*
- (3) increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and provide low-income and minority students greater access to effective teachers, principals, and other school leaders.*

SEC. 3102.[20 U.S.C. 6812] PURPOSES.

The purposes of this part are—

- (1) to help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English;*
- (2) to assist all English learners, including immigrant children and youth, to achieve at high levels in academic subjects so that all English learners can meet the same challenging State academic standards that all children are expected to meet;*
- (3) to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, local educational agencies, and schools in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;*
- (4) to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, and local educational agencies to develop and enhance their capacity to provide effective instructional programs designed to prepare English learners, including immigrant children and youth, to enter all-English instructional settings; and*
- (5) to promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of English learners.*

language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth; (4) to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, and local educational agencies to develop and enhance their capacity to provide effective instructional programs designed to prepare English learners, including immigrant children and youth, to enter all-English instructional settings; and (5) to promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of English learners.

- ☐ Title IV, Part A - (1) provide all students with access to a well-rounded education; (2) improve school conditions for student learning; and (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students.
- ☐ Title V, Part B - to address the unique needs of rural school districts.

☐ For ESSER:

- ☐ Activities must be allocable, meaning that funded activities or items were made necessary as a result of the COVID-19 pandemic and were necessary in order for the LEA to respond to, prepare for, or prevent the spread of COVID-19.
- ☐ ESSER-funded activities were obligated within the performance period (on or after March 13, 2020) and prior to September 30, 2022 for ESSER I and September 30, 2023 for ESSER II, and prior to September 30, 2024 for ARP-ESSER III.

Examples of Evidence

- An approved LEA Plan/application for funds that describes activities that are reasonable and necessary to meet the program intent. [CDE

SEC. 4101. [20 U.S.C. 7111] PURPOSE.

The purpose of this subpart is to improve students' academic achievement by increasing the capacity of States, local educational agencies, schools, and local communities to—

- (1) provide all students with access to a well-rounded education;*
- (2) improve school conditions for student learning; and*
- (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students.*

CARES Act (ESSER I):

All activities and expenditures align with those described in the approved ESSER I application and are in compliance with CARES Act Sec. 18003(d)(1-12).

ESSER II:

All activities and expenditures align with those described in the approved ESSER II application and are in compliance with CRSAA Sec. 313(d)(1-15).

ARP ESSER III:

All activities and expenditures align with those described in the approved ARP-ESSER III application and are in compliance with ARP Act Sec. 2001(e)(1) and 2001(e)(2)(A-J).

All ESSER-funded activities must also be reasonable and allocable (necessary to respond to, prepare for, or prevent the spread of COVID-19).

already has on file; no need to resubmit any evidence as part of monitoring.]

- Expenditure detail reports that demonstrate the use of funds for allowable activities described in the application for funds submitted to and approved by CDE.
- Documentation that demonstrates that the program intent has been met and/or program goals have been achieved. For example, an LEA could submit performance data for Title I schools that shows student achievement has been improved or local program evaluation results that demonstrate impact of funded activities.
- Additional documentation:
 - If funds were used to purchase equipment, supplies, and/or materials: submit invoices and/or inventory of equipment
 - If funds were used to provide professional development: submit PD content such as agendas and materials, induction documents, conference registration
 - If funds were used to provide FTE: submit samples of staff time and effort

SEC. 1113. [20 U.S.C. 6313] ELIGIBLE SCHOOL ATTENDANCE AREAS.

(c) ALLOCATIONS. —

(3) RESERVATION OF FUNDS. —

(A) IN GENERAL. —A local educational agency shall reserve such funds as are necessary under this part, determined in accordance with subparagraphs (B) and (C), to provide services comparable to those provided to children in schools funded under this part to serve—

(i) homeless children and youths, including providing educationally related support services to children in shelters and other locations where children may live;

(ii) children in local institutions for neglected children; and

(iii) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.

Demonstration of Compliance

- ☐ LEA has set aside adequate amounts to provide comparable services to homeless, neglected, and delinquent children and youth who do not attend a Title I school including Non-Public schools.

Examples of Evidence

- Description in the consolidated application of how eligible students receive comparable services
- Related expenditure detail
- Non-Public School Consultation forms

SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS.

(e) PARENTS RIGHT-TO-KNOW. —

(3) LANGUAGE INSTRUCTION. —

(A) NOTICE. — Each local educational agency using funds under this part or title III to provide a language instruction educational program as determined under title III shall, not later than 30 days after the beginning of the school year, inform parents of an English learner identified for participation or participating in such a program, of—

(i) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;

(ii) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

(iii) the methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;

(iv) how the program in which their child is, or will be, participating will meet the educational strengths and needs of their child;

(v) how such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;

(vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if funds under this part are used for children in high schools;

(vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)); and (viii) information pertaining to parental rights that includes

Demonstration of Compliance

- ☐ The LEA/consortium follows state guidance and procedures in identifying English learners within 30 days of the first day of school or within 15 days after October 1.
- ☐ The LEA/consortium follows state guidance and procedures in redesignating English learners.
- ☐ Communication and materials are provided in languages and formats based on needs of families and parents
- ☐ Parent notification letters include all statutory requirements:
 - ☐ *The reasons for the identification of their child as an EL and in need of placement in a language instruction education program;*
 - ☐ *The child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;*
 - ☐ *The methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;*
 - ☐ *How the program in which their child is, or will be, participating will meet the education strengths and needs of their child;*
 - ☐ *How such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;*
 - ☐ *The specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for ELs, and the expected rate of graduation from high school if funds are used for children in high schools;*

written guidance— (I) detailing the right that parents have to have their child immediately removed from such program upon their request; (II) detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and (III) assisting parents in selecting among various programs and methods of instruction, if more than 1 program or method is offered by the eligible entity.

(B) **SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR.**—For those children who have not been identified as English learners prior to the beginning of the school year but are identified as English learners during such school year, the local educational agency shall notify the children's parents during the first 2 weeks of the child being placed in a language instruction educational program consistent with subparagraph (A).

SEC. 3116. [20 U.S.C. 6826] LOCAL PLANS.

(b) **CONTENTS.**—Each plan submitted under subsection (a) shall—

(2) describe how the eligible entity will ensure that elementary schools and secondary schools receiving funds under this subpart assist English learners in—

(A) achieving English proficiency based on the State's English language proficiency assessment under section 1111(b)(2)(G), consistent with the State's long-term goals, as described in section 1111(c)(4)(A)(ii); and....

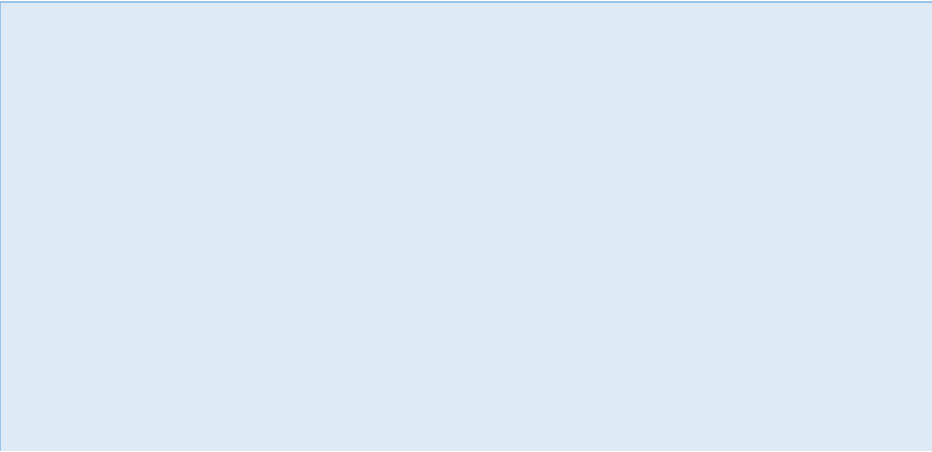
(4) contain assurances that—

(A) each local educational agency that is included in the eligible entity is complying with section 1112(e) prior to, and throughout, each school year as of the date of application;....

- ☐ In the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and
- ☐ Information pertaining to parental rights that includes written guidance
- ☐ Detailing the right that parents have to have their child immediately removed from such a program upon their request;
- ☐ Detailing the options that parents have to decline to enroll their child in such a program or to choose another program or method of instruction, if available; and
- ☐ Assisting parents in selecting among various programs and methods of instruction, if more than 1 program or method is offered by the eligible entity.
- ☐ Identification procedures include:
 - ☐ process for administering the language use survey and W-APT or WIDA Screener assessment
 - ☐ process for gathering a body of evidence
 - ☐ alternate methods for students who are dually identified as Special Education and English Learners

Examples of Evidence

- District guidance and procedures related to identification of English Learners, including any relevant sections of policies
 - Guidance regarding ACCESS 2.0/Alternate ACCESS scores or local data for redesignation that aligns with state guidance
 - Established procedures that identify bodies of evidence that demonstrate success in reading and writing in content areas.
- Sample list of identified students (including date of assessment)
- Sample parent notification letters (including date of notification)
- Evidence of coordination with Special Education services to personalize bodies of evidence for dually identified students
- Example of a notification for a child with a disability and how the ELD program is aligned to IEP goals to meet the needs of that child

- 
- Timelines associated with notification
 - Content of parent meeting related to EL identification, EL programming, and parents' rights (e.g., discussion or talking points, template or conversation guide, list of questions, PPT)

SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS.

(b) PLAN PROVISIONS.—To ensure that all children receive a high-quality education, and to close the achievement gap between children meeting the challenging State academic standards and those children who are not meeting such standards, each local educational agency plan shall describe—

(8) if applicable, how the LEA will support, coordinate, and integrate services provided under this part with early childhood education programs at the local educational agency or individual school level, including plans for the transition of participants in such programs to local elementary school programs.

(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

(7) in the case of a local educational agency that chooses to use funds under this part to provide early childhood education services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)).

SEC. 1119. [20 U.S.C. 6322] COORDINATION REQUIREMENTS.

(a) IN GENERAL.—Each local educational agency receiving assistance under this part shall carry out the activities described in subsection (b) with Head Start agencies and, if feasible, other entities carrying out early childhood development programs. Each local educational agency shall develop agreements with such Head Start agencies and other entities to carry out such activities.

(b) ACTIVITIES.—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency and, if feasible, other entities carrying out early childhood education programs serving children who will attend the schools of the local educational agency, including—

Demonstration of Compliance

- ☐ The LEA has coordinated early child education programs with Head Start agencies and other early childhood education providers within the LEA.
- ☐ Activities are implemented that increase the coordination of early childhood programs and the programs provided by the LEA, including but not limited to, data sharing, increase communication, involving parents in meetings with Head Start and other early childhood education providers, and developing and delivering joint-trainings on transition of students for LEA and Head Start and other early childhood education providers.
- ☐ If ESEA funds are used to provide early childhood education services to students below the compulsory school attendance age, the early childhood education services adhere to Head Start early outcomes framework, early learning development guidelines, and/or the CAS preschool standards. In such cases, the services meet the following requirements:
 - ☐ Curriculum used must be evidence-based and used with fidelity.
 - ☐ Assessments used must be linked to standards.
- ☐ Consultation was conducted with Head Start, Early Childhood Education institutions including Non-Public schools and Institutes of Higher Education.
- ☐ Title III activities and relevant data under the Consolidated Application are shared with and activities are coordinated with local Head Start and Early Head Start Programs.

Examples of Evidence

- Meeting materials and notes from coordination meetings with Head Start and other early childhood education (ECE) providers.
- Description of ECE services to low-income children below the age of compulsory school attendance funded with ESEA
- Description of the LEA's process for ensuring that the ECE services are evidence-based, implemented with fidelity, and linked to standards

(1) developing and implementing a systematic procedure for receiving records regarding such children, transferred with parental consent from a Head Start program or, where applicable, another early childhood education program;

(2) establishing channels of communication between school staff and their counterparts (including teachers, social workers, and health staff) in such Head Start agencies or other entities carrying out early childhood education programs, as appropriate, to facilitate coordination of programs;

(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood education programs, to discuss the developmental and other needs of individual children;

(4) organizing and participating in joint transition-related training of school staff, Head Start program staff, and, where appropriate, other early childhood education program staff; and

(5) linking the educational services provided by such local educational agency with the services provided by local Head Start agencies.

SEC. 3116. [20 U.S.C. 6826] LOCAL PLANS.

(b) CONTENTS.—Each plan submitted under subsection (a) shall—

(4) contain assurances that—

(D) the eligible entity will, if applicable, coordinate activities and share relevant data under the plan with local Head Start and Early Head Start agencies, including migrant and seasonal Head Start agencies, and other early childhood education providers.

- Copies of research that outlines the evidence base of services or links services to standards
- A Memorandum of Understanding between the LEA and Head Start agencies or other ECE providers
- Meeting notes or materials that describe how ECE and EL services are coordinated between LEA and school(s)
- Plans, procedures, or policies on data sharing agreements, including communication to parents regarding what data will be shared
- Transitions plans and processes between Head Start programs and
 - Title I schools
 - Title III programs
- Documentation of consultation:
 - forms or emails
 - meeting notes
 - agendas
- Meeting notes that demonstrate how ECE and EL services are coordinated between LEA and school(s)

SEC. 1111. [20 U.S.C. 6311] STATE PLANS.

(b) CHALLENGING ACADEMIC STANDARDS AND ACADEMIC ASSESSMENTS.—

(2) ACADEMIC ASSESSMENTS.—

(G) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—

(i) IN GENERAL.—Each State plan shall demonstrate that local educational agencies in the State will provide for an annual assessment of English proficiency of all English learners in the schools served by the State educational agency.

(ii) ALIGNMENT.—The assessments described in clause (i) shall be aligned with the State’s English language proficiency standards described in paragraph (1)(F).

SEC. 3113. [20 U.S.C. 6823] STATE AND SPECIALLY QUALIFIED AGENCY PLANS.

(b) CONTENTS.—Each plan submitted under subsection (a) shall—

(3) provide an assurance that—

(A) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 1111(b)(2)(B)(ix) regarding assessment of English learners in English;

(B) the agency will ensure that eligible entities receiving a subgrant under this subpart annually assess the English proficiency of all English learners participating in a program funded under this subpart, consistent with section 1111(b)(2)(G);

Demonstration of Compliance

- ☐ English proficiency is annually assessed for English learners in districts receiving Title III, Part A funds or schools receiving Title I, Part A funds.
- ☐ Evidence of differentiation of assessment to meet the needs of students dually identified as Special Education and English Learners.

Examples of Evidence

- Annual documentation of identified English learners taking part in the ACCESS for ELLs assessment
- LEA assessment calendar/schedule
- Assessment testing session completion lists
- Score reports showing participation

SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS.

(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

(3) participate, if selected, in the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(3));

Demonstration of Compliance

- ☐ LEA participates in the National Assessment of Educational Progress.

Examples of Evidence

- Score reports showing participation
- LEA/School assessment calendar/schedule
- Assessment testing session completion lists

SEC. 427. [20 U.S.C. 1228a] EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES

(b) The Secretary shall require each applicant for assistance under an applicable program (other than an individual) to develop and describe in such applicant's application the steps such applicant proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

Demonstration of Compliance

- ☐ The LEA has a process in place that is used to ensure equitable access to, or equitable participation in, activities funded with federal funds.
- ☐ Documentation that the district is implementing the steps outlined in the GEPA statement to ensure equitable access to, and participation in, its federally-assisted programs for students, teachers, and other program beneficiaries with special needs and that each program has been administered in accordance with applicable statutes and regulations.
- ☐ GEPA statement(s) outlining the steps the LEA will take to overcome any barriers to ensure that teachers and students have equitable access to programs and opportunities provided with federal grant funds.

Examples of Evidence

- Information from a comprehensive needs assessment process or UIP that was used to develop a GEPA response describing the steps the LEA has taken to overcome any barriers that impede equal access or participation in federally funded activities.
- Narrative explaining how, when and by whom the steps are being implemented
- Additional documentation could include:
 - An employee handbook/how to manual for implementing the steps outlined in the GEPA statement
 - Job description of the individual(s) responsible for implementation of the action steps outline in the GEPA statement
 - Meeting agenda/notes regarding the implementation of action steps outlined in the GEPA statement

Title I, Part A Requirements

ID 1.1 Data-Driven Instructional Practices

SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS.

(b) PLAN PROVISIONS.—To ensure that all children receive a high-quality education, and to close the achievement gap between children meeting the challenging State academic standards and those children who are not meeting such standards, each local educational agency plan shall describe—

(1) how the local educational agency will monitor students' progress in meeting the challenging State academic standards by—

(A) developing and implementing a well-rounded program of instruction to meet the academic needs of all students;

(B) identifying students who may be at risk for academic failure;

(C) providing additional educational assistance to individual students the local educational agency or school determines need help in meeting the challenging State academic standards; and

(D) identifying and implementing instructional and other strategies intended to strengthen academic programs and improve school conditions for student learning;

ESEA Sec. 1112(b)(1)

Demonstration of Compliance

- ☐ LEA regularly uses data to identify and disaggregate trends/needs to plan and implement instructional services for students based on identified gaps and individual needs.

Examples of Evidence

- Protocols for using state and/or local assessments
- Procedures, policies, or guidance regarding formative and summative assessments that are used to inform instruction
- Data team meeting minutes to show progress monitoring
- Presentations, handouts, or other documentation of professional learning around using assessment data to implement instructional services
- MTSS plans, procedures, or policies and meeting agendas/minutes
- Assessment reports published for staff and/or stakeholders

SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS.

(a) PLANS REQUIRED.—

(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that—

(B) as appropriate, is coordinated with other programs under this Act, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Rehabilitation Act of 1973 (20 U.S.C. 701 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.), the Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.), and other Acts as appropriate.

(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

(4) coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native, and Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

Demonstration of Compliance

- ☐ ESEA funded and implemented activities have been coordinated with other relevant programs, such as IDEA services for students with disabilities or linguistic services for English learners.

Examples of Evidence

- Meeting agendas/minutes show collaboration between representatives from applicable programs
- School, staff, or student schedules to reflect coordination of services
- School or lesson plans that reflect coordination of supports and services
- Staffing FTE schedule showing instructional programs that meet the varied needs of students

SEC. 1111. [20 U.S.C. 6311] STATE PLANS

(d) SCHOOL SUPPORT AND IMPROVEMENT ACTIVITIES.—

(1) COMPREHENSIVE SUPPORT AND IMPROVEMENT.—

(B) LOCAL EDUCATIONAL AGENCY ACTION.—Upon receiving such information from the State, the local educational agency shall, for each school identified by the State and in partnership with stakeholders (including principals and other school leaders, teachers, and parents), locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes, that—

(i) is informed by all indicators described in subsection (c)(4)(B), including student performance against State-determined long-term goals;

(ii) includes evidence-based interventions;

(iii) is based on a school-level needs assessment;

(iv) identifies resource inequities, which may include a review of local educational agency and school-level budgeting, to be addressed through implementation of such comprehensive support and improvement plan;

(v) is approved by the school, local educational agency, and State educational agency; and (vi) upon approval and implementation, is monitored and periodically reviewed by the State educational agency.

Demonstration of Compliance

- ☐ The LEA has notified schools identified as in need of Comprehensive Support and Improvement (CS) of the identification and has supported the school with developing a CS improvement plan.
- ☐ The CS Improvement Plan [In Colorado, the Unified Improvement Plan (UIP)]:
 - ☐ is informed by student performance against state-determined long-term goals,
 - ☐ includes evidence based interventions,
 - ☐ includes school-level needs assessment, and
 - ☐ addresses resource inequities
 - ☐ Stakeholders were meaningfully involved in the ongoing development of the plan.
- ☐ Improvement plans for identified schools have been reviewed and approved by CDE.

Examples of Evidence

- Sample communication provided to schools to notify the school(s) of their ESSA identification as CS
- Training or meeting materials from when schools received LEA support in developing and/or implementing CS improvement plans (UIP)
- UIP or alternative strategic plan (ex. SCAP or 90-day plan) that addresses the reasons the school has been identified for CS
- Agendas, attendance logs, and minutes from when stakeholders were involved
- Stakeholder survey results
- Feedback from UIP review completed by CDE

SEC. 1111. [20 U.S.C. 6311] STATE PLANS.

(d) SCHOOL SUPPORT AND IMPROVEMENT ACTIVITIES. —

(2) TARGETED SUPPORT AND IMPROVEMENT. —

(B) TARGETED SUPPORT AND IMPROVEMENT PLAN. — Each school receiving a notification described in this paragraph, in partnership with stakeholders (including principals and other school leaders, teachers and parents), shall develop and implement a school-level targeted support and improvement plan to improve student outcomes based on the indicators in the statewide accountability system established under subsection (c)(4), for each subgroup of students that was the subject of notification that—

- (i) is informed by all indicators described in subsection (c)(4)(B), including student performance against long-term goals;*
- (ii) includes evidence-based interventions;*
- (iii) is approved by the local educational agency prior to implementation of such plan;*
- (iv) is monitored, upon submission and implementation, by the local educational agency; and*
- (v) results in additional action following unsuccessful implementation of such plan after a number of years determined by the local educational agency.*

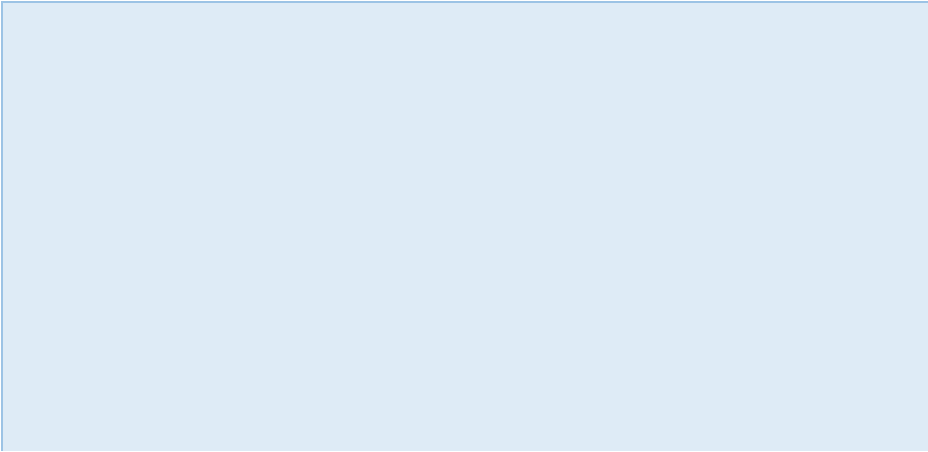
(C) ADDITIONAL TARGETED SUPPORT. — A plan described in subparagraph (B) that is developed and implemented in any school receiving a notification under this paragraph from the local educational agency in which any subgroup of students, on its own, would lead to identification under subsection (c)(4)(D)(i)(I) using the State’s methodology under subsection (c)(4)(D) shall also identify resource inequities (which may include a review of local educational agency and school level budgeting), to be addressed through implementation of such plan.

Demonstration of Compliance

- ☐ The LEA has notified schools identified as in need of Targeted or Additional Targeted Support and Improvement (TS or ATS) of the identification and has supported the school with developing a TS or ATS improvement plan.
- ☐ The Targeted Support & Improvement (TS) plan:
 - ☐ is informed by disaggregated group performance on all ESSA indicators, for each student group for which the school was identified, and includes evidence-based interventions that are aligned to the reasons for identification.
 - ☐ Stakeholders were involved in the development of the TS plan.
 - ☐ Schools identified for additional targeted support (ATS): The plan addresses any resource inequities.
 - ☐ The LEA has identified additional action to be taken if a school unsuccessfully implements the TS plan after a number of years (as determined by the LEA).
- ☐ Improvement plans for identified schools have been reviewed and approved by the LEA.

Examples of Evidence

- Sample communication provided to schools to notify the school(s) of their ESSA identification as TS or ATS
- Training or meeting materials from when schools received LEA support in developing and/or implementing TS improvement plans (which could be the UIP)
- A description of or copies of the written LEA procedures for reviewing, approving, and monitoring plans including timelines and storage
- Sample of TS plans, which may be the school UIP, that have been reviewed and approved by the LEA
- Sample LEA feedback on school plans
- Sample of input from stakeholders

- 
- Meeting agendas, attendance, and minutes for stakeholder involvement in the development of the TS plan
 - Materials that guided discussions and provided opportunity for input (e.g., discussion or talking points, template or conversation guide, list of questions, PPT)

SEC. 1113. [20 U.S.C. 6313] ELIGIBLE SCHOOL ATTENDANCE AREAS.

(c) ALLOCATIONS. —

(3) RESERVATION OF FUNDS. —

(A) IN GENERAL. —A local educational agency shall reserve such funds as are necessary under this part, determined in accordance with subparagraphs (B) and (C), to provide services comparable to those provided to children in schools funded under this part to serve—

(i) homeless children and youths, including providing educationally related support services to children in shelters and other locations where children may live;....

(C) HOMELESS CHILDREN AND YOUTHS. —Funds reserved under subparagraph (A)(i) may be—

(i) determined based on a needs assessment of homeless children and youths in the local educational agency, taking into consideration the number and needs of homeless children and youths in the local educational agency, and which needs assessment may be the same needs assessment as conducted under section 723(b)(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433(b)(1)); and

(ii) used to provide homeless children and youths with services not ordinarily provided to other students under this part, including providing—

(I) funding for the liaison designated pursuant to section 722(g)(1)(J)(ii) of such Act (42 U.S.C. 11432(g)(1)(J)(ii)); and

(II) transportation pursuant to section 722(g)(1)(J)(iii) of such Act (42 U.S.C. 11432(g)(1)(J)(iii)).

Demonstration of Compliance

☐ LEA provides a methodology for determining amount to be reserved.

Examples of Evidence

- Methodology for determining amount to be reserved
- Evidence of collaboration and agreement that the set-aside amount is sufficient (by Title I director and Homeless Liaison) to meet the Homeless ed. program needs
- Evidence of budget expenditures to provide educationally related support services to homeless children in non-Title I-A schools.
- Written practice, protocol, or procedure document (or a narrative statement describing the process) for verifying addresses for students residing within Title I, Part A school boundary for both homeless students attending non-public schools and public schools, as applicable.

SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS.

(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

(6) ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification; and

Demonstration of Compliance

- ☐ All teachers and instructional paraprofessionals* meet applicable state certification and licensure requirements.

*Colorado does not currently have state certification or licensure requirements for instructional paraprofessionals.

Examples of Evidence

- Sample of Teacher Qualifications/Credentials
- Sample of ELD Endorsement PD requirements
- HR reports
- A comparison between staff licensure and the content areas they teach. (ex. report from Data Pipeline) [CDE already has on file; no need to resubmit any evidence as part of monitoring.]

SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS.

(b) PLAN PROVISIONS.—To ensure that all children receive a high-quality education, and to close the achievement gap between children meeting the challenging State academic standards and those children who are not meeting such standards, each local educational agency plan shall describe—

(2) how the local educational agency will identify and address, as required under State plans as described in section 1111(g)(1)(B), any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers;

Demonstration of Compliance

- ☐ If any disparities have been identified by the State, the LEA has a plan for addressing the disparity or the LEA can demonstrate that there are no gaps using an alternative calculator.
- ☐ Strategies in plan are aligned to any identified disparity.

Examples of Evidence

- Plan for addressing the disparity aligned to reasons for identification
 - Professional development related to teacher effectiveness or in-field status
 - Strategies related to the recruitment, retention, and professional growth of teachers
 - Job fair materials
- Alternative calculator(s) with student/teacher level data showing the equitable distribution of teachers for appropriate EDT indicator(s)
- Local EDT analyses completed by the LEA
- Hiring and staffing plans for upcoming years to address the equitable distribution of teachers across the district
- Scheduled courses and assessments to support increasing the number of in-field staff

SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS.

(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

(5) collaborate with the State or local child welfare agency to—

(B) by not later than 1 year after the date of enactment of the Every Student Succeeds Act, develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged, and funded for the duration of the time in foster care, which procedures shall—

(i) ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 475(4)(A) of the Social Security Act (42 U.S.C. 675(4)(A)); and

(ii) ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if—

(I) the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation;

(II) the local educational agency agrees to pay for the cost of such transportation; or

(III) the local educational agency and the local child welfare agency agree to share the cost of such transportation;....

Demonstration of Compliance

- ☐ Description of how transportation to the school of origin will be provided, arranged, and funded for the duration of time in foster care, in collaboration with the county child welfare agency.

Examples of Evidence

- Written plans, procedures, policies, or agreements with local welfare agency
- Transportation schedules
- Documentation of consultation regarding children in foster care

SEC. 1111. [20 U.S.C. 6311] STATE PLANS.

(g) OTHER PLAN PROVISIONS. —

(1) DESCRIPTIONS. —Each State plan shall describe—

(E) the steps a State educational agency will take to ensure collaboration with the State agency responsible for administering the State plans under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.) to ensure the educational stability of children in foster care, including assurances that—

(i) any such child enrolls or remains in such child's school of origin, unless a determination is made that it is not in such child's best interest to attend the school of origin, which decision shall be based on all factors relating to the child's best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;

(ii) when a determination is made that it is not in such child's best interest to remain in the school of origin, the child is immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment;

(iii) the enrolling school shall immediately contact the school last attended by any such child to obtain relevant academic and other records; and

(iv) the State educational agency will designate an employee to serve as a point of contact for child welfare agencies and to oversee implementation of the State agency responsibilities required under this subparagraph, and such point of contact shall not be the State's Coordinator for Education of Homeless Children and Youths under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(d)(3));

Demonstration of Compliance

- ☐ The LEA/BOCES policies and practices regarding the school enrollment of children in foster care ensure that the child can remain in the school of origin, if possible.
- ☐ When remaining in such school is not in the best interest of the child, the LEA/BOCES policies and practices ensure that the enrolling school will immediately contact the school last attended by the child in foster care to obtain relevant academic and other records.

Examples of Evidence

- Written plans, procedures, policies, or agreements that include how to make best interest determination in collaboration with local welfare agencies
 - Criteria for making placement determination
- Data processing and sharing agreements between schools
- Sample forms used during the enrollment and/or transfer processes

Title I, Part A Schoolwide Programs

ID 1.12 Schoolwide Plans

SEC. 1114. [20 U.S.C. 6314] SCHOOLWIDE PROGRAMS.

(b) SCHOOLWIDE PROGRAM PLAN.—An eligible school operating a schoolwide program shall develop a comprehensive plan (or amend a plan for such a program that was in existence on the day before the date of the enactment of the Every Student Succeeds Act) that—

(1) is developed during a 1-year period, unless—

(A) the local educational agency determines, in consultation with the school, that less time is needed to develop and implement the schoolwide program; or

(B) the school is operating a schoolwide program on the day before the date of the enactment of the Every Student Succeeds Act, in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance after that date to reflect the provisions of this section;

(2) is developed with the involvement of parents and other members of the community to be served and individuals who will carry out such plan, including teachers, principals, other school leaders, paraprofessionals present in the school, administrators (including administrators of programs described in other parts of this title), the local educational agency, to the extent feasible, tribes and tribal organizations present in the community, and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, if the plan relates to a secondary school, students, and other individuals determined by the school;

(3) remains in effect for the duration of the school's participation under this part, except that the plan and its implementation shall be regularly monitored and revised as necessary based on student needs to ensure that all students are provided opportunities to meet the challenging State academic standards;

(4) is available to the local educational agency, parents, and the public, and the information contained in such plan shall be in an understandable and

ESEA Sec. 1114(b)

Demonstration of Compliance

All Title I schools, within the LEA, operating schoolwide programs must have schoolwide plans that:

- ☐ are based on a comprehensive needs assessment.
- ☐ are developed in partnership with parents, other members of the community, and relevant stakeholders who will carry out the plans (e.g., teachers, principals, other school leaders, and other educators serving the school).
- ☐ include a description of the strategies the school will implement to address school needs and how those strategies will:
 - ☐ Provide equitable opportunities for all children, including:
 - low-income students
 - students from major racial and ethnic groups
 - students with disabilities
 - English learners.
 - ☐ Use methods and instructional strategies that strengthen the academic program in the school and increase the amount and quality of learning time.
 - ☐ Provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education.
 - ☐ Address the needs of all children in the school, but particularly the needs of those at risk of not meeting CAS and CELF standards.
- ☐ are implemented, monitored, evaluated, and revised, when necessary, to ensure students' academic achievement needs are being met and

uniform format and, to the extent practicable, provided in a language that the parents can understand; and

(5) if appropriate and applicable, is developed in coordination and integration with other Federal, State, and local services, resources, and programs, such as programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and schools implementing comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d);

(6) is based on a comprehensive needs assessment of the entire school that takes into account information on the academic achievement of children in relation to the challenging State academic standards, particularly the needs of those children who are failing, or are at-risk of failing, to meet the challenging State academic standards and any other factors as determined by the local educational agency; and

(7) includes a description of— (A) the strategies that the school will be implementing to address school needs, including a description of how such strategies will—

(i) provide opportunities for all children, including each of the subgroups of students (as defined in section 1111(c)(2)) to meet the challenging State academic standards;

(ii) use methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education; and

(iii) address the needs of all children in the school, but particularly the needs of those at risk of not meeting the challenging State academic standards, through activities which may include—

(I) counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students' skills outside the academic subject areas;

(II) preparation for and awareness of opportunities for postsecondary education and the workforce, which may include career and technical

Title I program goals (all students have access to high-quality education) are being met.

- ☐ are made available to parents and publicly in a format and language that the parents in the school community can understand.
- ☐ are developed in coordination and integrated with other Federal, State, and local services, as appropriate and applicable.

Examples of Evidence

- Sample of schoolwide plans (required) or indication of use of UIP that contain all of the above listed components and meet the statutory requirements of a schoolwide plan
- Implementation or action plans that demonstrate how the schoolwide plan is being implemented
- Evaluation or monitoring plans for periodic review of the schoolwide plan
- Synthesis of local data collection and analysis of state and local assessment data used to monitor and evaluate the impact of the program on academic achievement of students and other outcomes or needs identified as part of the comprehensive needs assessment
- Copy of the comprehensive needs assessment that informed the plan
- Meeting notes and materials that demonstrate that the plan was developed in partnership with relevant stakeholders
- Training material or content from trainings provided to school community and stakeholders in preparation for plan development

education programs and broadening secondary school students' access to coursework to earn postsecondary credit while still in high school (such as Advanced Placement, International Baccalaureate, dual or concurrent enrollment, or early college high schools);

(III) implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

(IV) professional development and other activities for teachers, paraprofessionals, and other school personnel to improve instruction and use of data from academic assessments, and to recruit and retain effective teachers, particularly in high-need subjects; and

(V) strategies for assisting preschool children in the transition from early childhood education programs to local elementary school programs; and

(B) if programs are consolidated, the specific State educational agency and local educational agency programs and other Federal programs that will be consolidated in the schoolwide program.

Title I, Part A Consolidated Schoolwide Programs

ID 1.14 Consolidated Schoolwide Programs

ESEA Sec. 1114(a)(3)

SEC. 1114. [20 U.S.C. 6314] SCHOOLWIDE PROGRAMS.

(a) IN GENERAL. —

(3) EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS. —

(A) EXEMPTION. —Except as provided in paragraph (2), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), except as provided in section 613(a)(2)(D) of such Act (20 U.S.C. 1413(a)(2)(D))), or any discretionary grant program administered by the Secretary, to support schoolwide programs if the intent and purposes of such other programs are met.

(B) REQUIREMENTS. —A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, student and parental participation and involvement, services to private school children, comparability of services, maintenance of effort, uses of Federal funds to supplement, not supplant non-Federal funds (in accordance with the method of determination described in section 1118(b)(2)), or the distribution of funds to State educational agencies or local educational agencies that apply to the receipt of funds from such programs.

(C) RECORDS. —A school that chooses to consolidate and use funds from different Federal programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the Federal programs that were consolidated to support the schoolwide program.

Demonstration of Compliance

- ☐ Consolidated schoolwide plans clearly describe how the school meets the intent and purpose of each federal program that is consolidated.

Examples of Evidence

- Schoolwide plan
- Reports from auditor confirming appropriate use of funds
- School-level budgets demonstrating combined use of funds
- Documentation of student eligibility for Title III services (if applicable)

Title I, Part A Targeted Assistance Programs

ID 1.15 Identification for Targeted Assistance

SEC. 1115. [20 U.S.C. 6315] TARGETED ASSISTANCE SCHOOLS.

(b) TARGETED ASSISTANCE SCHOOL PROGRAM.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the challenging State academic standards, each targeted assistance program under this section shall—

(1) determine which students will be served;

(c) ELIGIBLE CHILDREN.—

(1) ELIGIBLE POPULATION.—

(A) IN GENERAL.—The eligible population for services under this section is—
(i) children not older than age 21 who are entitled to a free public education through grade 12; and

(ii) children who are not yet at a grade level at which the local educational agency provides a free public education.

(B) ELIGIBLE CHILDREN FROM ELIGIBLE POPULATION.— From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the challenging State academic standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade 2 shall be selected solely on the basis of criteria, including objective criteria, established by the local educational agency and supplemented by the school.

(2) CHILDREN INCLUDED.—

(A) IN GENERAL.—Children who are economically disadvantaged, children with disabilities, migrant children or English learners, are eligible for services under this part on the same basis as other children selected to receive services under this part.

(B) HEAD START AND PRESCHOOL CHILDREN.—A child who, at any time in the 2 years preceding the year for which the determination is made,

ESEA Sec. 1115(b)(1), 1115(c)

Demonstration of Compliance

- ☐ Schools have a process for systematically and regularly identifying students to receive targeted assistance support.
- ☐ Identification is based on a body of evidence that demonstrates student progress towards meeting CAS and CELP standards.

Examples of Evidence

- Written plans, procedures, or policies for systematically and regularly identifying students for services
- MTSS plans, procedures, or policies and meeting agendas/minutes
- LEA assessment plans, procedures, policies, or guidance regarding formative and summative assessments that are used to inform instruction
- Assessment reports used to assign targeted supports to students meeting local policies
- Images of data walls used to assign targeted supports
- Data team meeting minutes to show progress monitoring

participated in a Head Start program, the literacy program under subpart 2 of part B of title II, or in preschool services under this title, is eligible for services under this part.

(C) MIGRANT CHILDREN.—A child who, at any time in the 2 years preceding the year for which the determination is made, received services under part C is eligible for services under this part.

(D) NEGLECTED OR DELINQUENT CHILDREN.—A child in a local institution for neglected or delinquent children and youth or attending a community day program for such children is eligible for services under this part.

(E) HOMELESS CHILDREN.—A child who is homeless and attending any school served by the local educational agency is eligible for services under this part.

(3) SPECIAL RULE.—Funds received under this part may not be used to provide services that are otherwise required by law to be made available to children described in paragraph (2) but may be used to coordinate or supplement such services.

SEC. 1115. [20 U.S.C. 6315] TARGETED ASSISTANCE SCHOOLS.

(b) TARGETED ASSISTANCE SCHOOL PROGRAM.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the challenging State academic standards, each targeted assistance program under this section shall—

(2) serve participating students identified as eligible children under subsection (c), including by—

(A) using resources under this part to help eligible children meet the challenging State academic standards, which may include programs, activities, and academic courses necessary to provide a well-rounded education;

(B) using methods and instructional strategies to strengthen the academic program of the school through activities, which may include—

(i) expanded learning time, before- and after-school programs, and summer programs and opportunities; and

(ii) a schoolwide tiered model to prevent and address behavior problems, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

(C) coordinating with and supporting the regular education program, which may include services to assist preschool children in the transition from early childhood education programs such as Head Start, the literacy program under subpart 2 of part B of title II, or State-run preschool programs to elementary school programs;

(D) providing professional development with resources provided under this part, and, to the extent practicable, from other sources, to teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel, and other school personnel who work with eligible children in programs under this section or in the regular education program;

Demonstration of Compliance

Title I schools, within the LEA, that operate a Targeted Assistance Title I program must meet the following requirements:

- ☐ The school has a process for identifying eligible students in need of services.
 - The LEA and school must identify eligible students as failing, or most at risk of failing, to meet the Colorado English Language Proficiency (CELP) and Colorado Academic standards (CAS) on the basis of multiple, educationally related, objective criteria established by the local education agency and supplemented by the school. Children from preschool through grade 2 shall be selected solely on the basis of criteria, including objective criteria, established by the LEA and supplemented by the school. In addition, the following students are automatically eligible: children who participated in Head Start or Even Start program within two years, migrant, neglected, delinquent, or students experiencing homelessness.
 - Eligible students must be served in rank order of need, irrespective of grade span.
- ☐ Educators who provide services to eligible students are the only ones that participate in and benefit from any professional development opportunities paid for and provided with Title I funds.
- ☐ The school has provided services and instructional strategies that are individualized to meet the needs of eligible students.
- ☐ The school has coordinated services with other Federal, State, and local services, including special education IDEA services and preschool programs as appropriate

Examples of Evidence

- Written procedures/protocols outlining which students are eligible for Title I services.

(E) implementing strategies to increase the involvement of parents of eligible children in accordance with section 1116; and
(F) if appropriate and applicable, coordinating and integrating Federal, State, and local services and programs, such as programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d);....

- List of educators who provide services to eligible students and their job descriptions.
- Sample instructional programs or description of services or interventions that meet the varied needs of students. Methods and instructional strategies may include but are not limited to:
 - Intervention supports
 - Expanded learning time
 - Before- and after school programs
 - Summer programs
 - Programs, activities, and academic courses necessary to provide a well-rounded education
 - A schoolwide tiered model to prevent and address behavior problems
 - Early intervening services
 - other targeted supports
- School, staff, or student schedules that outline the services and supports provided to eligible students
- Meeting notes or materials that reflect coordination of services
- Lesson plans that reflect coordination of supports and services
- Letters/Communication with families of eligible students that have been identified for support services

SEC. 1115. [20 U.S.C. 6315] TARGETED ASSISTANCE SCHOOLS.

(b) TARGETED ASSISTANCE SCHOOL PROGRAM.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the challenging State academic standards, each targeted assistance program under this section shall—

(2) serve participating students identified as eligible children under subsection (c), including by—

(G) provide to the local educational agency assurances that the school will—

(ii) minimize the removal of children from the regular classroom during regular school hours for instruction provided under this part; and

Demonstration of Compliance

- ☐ LEA and/or school implement plans, procedures, or practices that minimize the removal of children from the regular classroom during school hours.

Examples of Evidence

- MTSS plans, procedures, or policies and meeting agendas/minutes
- School disciplinary policies and documentation
- School instructional schedule that includes intervention times
- Policies on using best first instruction in the classroom
- Sample schedule that demonstrates Title I services are not provided in a manner or at a time that requires students missing the content provided in regular classroom/instruction time

SEC. 1115. [20 U.S.C. 6315] TARGETED ASSISTANCE SCHOOLS.

(d) INTEGRATION OF PROFESSIONAL DEVELOPMENT.—To promote the integration of staff supported with funds under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—

(2) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

Demonstration of Compliance

- ☐ Personnel paid with Title I, Part A assume duties limited to those that are assigned to similar personnel.

Examples of Evidence

- Teacher schedules
- Job descriptions with funding sources of Title I funded personnel and others in similar roles who are not paid from Title I (e.g, Title I teacher and non-Title I teacher)
- Reports from HR system showing staff FTE, job code(s)/ title(s), and funding sources
- Affidavits from Title I personnel that they do not disproportionately perform duties outside of the classroom instruction in comparison to their peers who are not Title I funded

Title I, Part D Requirements

ID 1.20 Institution-Wide Projects

ESEA Sec. 1416

SEC. 1416. [20 U.S.C. 6436] INSTITUTION-WIDE PROJECTS.

A State agency that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community-day program for such children and youth may use funds received under this subpart to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

- (1) provides for a comprehensive assessment of the educational needs of all children and youth in the institution or program serving juveniles;*
- (2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a 2-year period;*
- (3) describes the steps the State agency has taken, or will take, to provide all children and youth under age 21 with the opportunity to meet challenging State academic standards in order to improve the likelihood that the children and youth will attain a regular high school diploma or its recognized equivalent, or find employment after leaving the institution;*
- (4) describes the instructional program, specialized instructional support services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for the children and youth described in paragraph (1), and how relevant and appropriate academic records and plans regarding the continuation of educational services for such children or youth are shared jointly between the State agency operating the institution or program and local educational agency in order to facilitate the transition of such children and youth between the local educational agency and the State agency;*
- (5) specifically describes how such funds will be used;*

Demonstration of Compliance

- ☐ The State Agency has developed, and the SEA has approved, a comprehensive plan for that institution or program that contains all the required components.

Examples of Evidence

- A plan that contains all required components [CDE has on file; no need to resubmit as part of monitoring.]

(6) describes the measures and procedures that will be used to assess and improve student achievement;

(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and youth, and with personnel from the State educational agency; and

(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

Statutory Indicator

Each correctional facility entering into an agreement with a local educational agency under section 1423(2) to provide services to children and youth under this subpart shall—

(1) where feasible, ensure that educational programs in the correctional facility are coordinated with the student's home school, particularly with respect to a student with an individualized education program under part B of the Individuals with Disabilities Education Act;

(2) if the child or youth is identified as in need of special education services while in the correctional facility, notify the local school of the child or youth of such need;

(3) where feasible, provide transition assistance to help the child or youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

(4) provide support programs that encourage children and youth who have dropped out of school to reenter school and attain a regular high school diploma once their term at the correctional facility has been completed, or provide such children and youth with the skills necessary to gain employment or seek a regular high school diploma or its recognized equivalent;

(5) work to ensure that the correctional facility is staffed with teachers and other qualified staff who are trained to work with children and youth with disabilities taking into consideration the unique needs of such children and youth;

(6) ensure that educational programs in the correctional facility are related to assisting students to meet the challenging State academic standards;

(7) to the extent possible, use technology to assist in coordinating educational programs between the correctional facility and the community school;

Demonstration of Compliance

- ❑ A formal agreement is in place between the LEA and the facility. The formal agreement should include the following elements:
 - Ensures coordination between the facility and the homeschool
 - Notification of special education services when needed
 - Provides transition services to help the child stay in school
 - Assurance that the facility has staff who are qualified to work with children with disabilities
 - Assurance that the education provided meets the challenging state academic standards
 - Describes the involvement of parents in an effort to improve the educational achievement of their children
 - An assurance that funds will be coordinated with state, local, or other federal funds available
 - Provides a description of how the LEA and the facility consult to determine the best way to minimize disruption to the child's achievement

Examples of Evidence

- Formal agreement between LEA and facility

(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

(9) coordinate funds received under this subpart with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of the Workforce Innovation and Opportunity Act, and career and technical education funds;

(10) coordinate programs operated under this subpart with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

(11) if appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth;

(12) upon the child's or youth's entry into the correctional facility, work with the child's or youth's family members and the local educational agency that most recently provided services to the child or youth (if applicable) to ensure that the relevant and appropriate academic records and plans regarding the continuation of educational services for such child or youth are shared jointly between the correctional facility and local educational agency in order to facilitate the transition of such children and youth between the local educational agency and the correctional facility; and

(13) consult with the local educational agency for a period jointly determined necessary by the correctional facility and local educational agency upon discharge from that facility, to coordinate educational services so as to minimize disruption to the child's or youth's achievement.

Title II, Part A Requirements

ID 2.1 Meeting the Needs of Student Subgroups with Title II, Part A	ESEA Sec. 2103(b)(1-2)
<p>SEC. 2103. [20 U.S.C. 6613] LOCAL USES OF FUNDS.</p> <p><i>(b) TYPES OF ACTIVITIES.—The programs and activities described in this subsection—</i></p> <p><i>(1) shall be in accordance with the purpose of this title;</i></p> <p><i>(2) shall address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students; and</i></p>	<p>Demonstration of Compliance</p> <p><input type="checkbox"/> Plans for use of Title II funds are directly connected to needs of students that have been identified through a comprehensive needs assessment with consideration to content areas, grade levels, and student populations inclusive of students with disabilities, English learners, and gifted and talented students.</p> <p>Examples of Evidence</p> <ul style="list-style-type: none">■ A description of the decision-making process for use of Title II, Part A including how student needs inform selected activities■ Copy of the comprehensive needs assessment■ Reports/Communications to stakeholders about how Title II, Part A funds were targeted■ Improvements in student performance/growth in an area that was the focus of Title II, Part A activities

Title III, Part A Requirements

ID 3.1 Provision of Parent, Family, and Community Engagement Activities	ESEA Sec. 3115(c)(3)(A)
<p>SEC. 3115. [20 U.S.C. 6825] SUBGRANTS TO ELIGIBLE ENTITIES</p> <p><i>(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 3114(a) shall use the funds—</i></p> <p><i>(3) to provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for English learners, which—</i></p> <p><i>(A) shall include parent, family, and community engagement activities;....</i></p>	<p>Demonstration of Compliance</p> <ul style="list-style-type: none"><input type="checkbox"/> Description of engagement policies and practices provided to parents, families, and communities of English learners that includes:<ul style="list-style-type: none"><input type="checkbox"/> The process for identifying and prioritizing activities to engage parents, families, and communities<input type="checkbox"/> Specific outreach and engagement activities for parents and families of ELs<input type="checkbox"/> Demonstration of implementation of effective outreach and engagement activities<ul style="list-style-type: none"><input type="checkbox"/> Communication and materials used are provided in languages and formats based on needs of families and parents <p>Examples of Evidence</p> <ul style="list-style-type: none">■ Expenditure detail report that reflects parent and family engagement activities■ Written notices for parents, families, and community members regarding engagement opportunities<ul style="list-style-type: none">■ Agendas, minutes, attendance logs for schoolwide plan, LEA Consolidated Application, and parent engagement policy meetings demonstrating parent engagement

SEC. 3115. [20 U.S.C. 6825] SUBGRANTS TO ELIGIBLE ENTITIES

(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 3114(a) shall use the funds—

(1) to increase the English language proficiency of English learners by providing effective language instruction educational programs that meet the needs of English learners and demonstrate success in increasing—

(A) English language proficiency; and

(B) student academic achievement;....

(f) SELECTION OF METHOD OF INSTRUCTION.—

(1) IN GENERAL.—To receive a subgrant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of effective instruction to be used in the programs and activities undertaken by the entity to assist English learners to attain English language proficiency and meet challenging State academic standards.

(2) CONSISTENCY.—The selection described in paragraph (1) shall be consistent with sections 3124 through 3126.

Demonstration of Compliance

- ☐ Programs supporting ELs are research-based, evidence-based, and/or demonstrate successful outcomes for ELs.
- ☐ Activities presented in Consolidated Application demonstrate that services, staff, programs, or materials for English learners and immigrant children/youth supplement the core programming for these students.

Examples of Evidence

- Evidence that program is implemented with fidelity, including allocation of appropriate fiscal/instructional/staffing resources and material
- ELD program budget,
 - including all funding sources, that demonstrates state and local funds are used to provide core instruction
 - Title III, Part A funds are used in addition to what is provided with the general fund
- Evidence of appropriate staff and fiscal resources meet local (HR, LEA, school, board) procedures or policies regarding student/teacher ratios (master schedule, EL Plan that demonstrates research, foundation, and implementation plan for program)
- Evidence that LEA meets Title VI of the Civil Rights Act
 - Documentation of current agreements with OCR or DOJ and evidence/documentation of implementation, as applicable

SEC. 3115. [20 U.S.C. 6825] SUBGRANTS TO ELIGIBLE ENTITIES

(c) REQUIRED SUBGRANTEE ACTIVITIES. —An eligible entity receiving funds under section 3114(a) shall use the funds—

(2) to provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is—

- (A) designed to improve the instruction and assessment of English learners;*
- (B) designed to enhance the ability of such teachers, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for English learners;*
- (C) effective in increasing children’s English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and*
- (D) of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers’ performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher’s supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate; and*

Demonstration of Compliance

PD plan:

- ☐ is specific to the needs of ELs and teachers that work with ELs
- ☐ has been implemented and attended by staff, including classroom teachers, specialists, etc.
- ☐ addresses data that represents the needs of ELs and staff that serve ELs
- ☐ represents the priorities and needs identified in the comprehensive needs assessment, as it relates to the needs of instructional staff to provide quality instruction to the EL student subgroup
- ☐ connects directly to the results of any surveys the LEA or school(s) have distributed to LEA and school staff, community members, and family

Examples of Evidence

- Teacher perception, teacher evaluation, and student performance and growth data (academic and ELP) justify the PD plan
- Evidence that new staff, including teachers and school leaders that are new to the LEA are provided PD to understand and implement the selected ELD instructional program model(s) and support ELs through core content (induction plan/program, new employee resources/trainings, etc.)
- Evidence that the PD schedule described in the Consolidated Application has been delivered and attended (sign-in sheets, agendas, notifications, materials, etc.).

ID 3.4 Fluency

ESEA Sec. 3116(c)

SEC. 3116. [20 U.S.C. 6826] LOCAL PLANS.

(c) TEACHER ENGLISH FLUENCY.—Each eligible entity receiving a subgrant under section 3114 shall include in its plan a certification that all teachers in any language instruction educational program for English learners that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communications skills.

Demonstration of Compliance

- ☐ All teachers in any language instruction educational program for English learners that is, or will be, funded under Title III, Part A are fluent in English and any other language used for instruction.

Examples of Evidence

- Hiring procedures or policies that demonstrate process for assessing written and oral communication skills in the language(s) of instruction
- Sample of applicable teachers' language proficiency assessment results (i.e. TESOL, TOEFL)

Title III, Part A Immigrant Set-Aside

ID 3.6 Title III, Part A Immigrant Set-Aside	ESEA Sec. 3115(e)(1)
<p>SEC. 3115. [20 U.S.C. 6825] SUBGRANTS TO ELIGIBLE ENTITIES. <i>(e) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—</i> <i>(1) IN GENERAL.—An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—</i> <i>(A) family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children;</i> <i>(B) recruitment of, and support for, personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;</i> <i>(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;</i> <i>(D) identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds;</i> <i>(E) basic instructional services that are directly attributable to the presence of immigrant children and youth in the local educational agency involved, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services;</i> <i>(F) other instructional services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and</i></p>	<p>Demonstration of Compliance</p> <ul style="list-style-type: none"> <input type="checkbox"/> LEA has a process to determine needs for immigrant students and families. <input type="checkbox"/> Title III Immigrant set-aside funds and activities are provided specifically for immigrant students and their families. <p>Examples of Evidence</p> <ul style="list-style-type: none"> ■ Procedures for identifying immigrant students ■ Description of activities that provide enhanced instructional opportunities for immigrant children and youth ■ Expenditure detail related to immigrant set-aside

(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.

Title IV, Part A Requirements

ID 4.1 Title IV, Part A Prioritization of Funds

ESEA Sec. 4106(e)(2)(A)

SEC. 4106. [20 U.S.C. 7116] LOCAL EDUCATIONAL AGENCY APPLICATIONS.

(e) CONTENTS OF LOCAL APPLICATION.—Each application submitted under this section by a local educational agency, or a consortium of such agencies, shall include the following:

(2) ASSURANCES.—Each application shall include assurances that the local educational agency, or consortium of such agencies, will—

(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;

Demonstration of Compliance

- ☐ The LEA must be able to describe the process that was used to prioritize the distribution of Title IV-A funds to schools.

Examples of Evidence

- Description of process for prioritizing schools for supports and services under Title IV, Part A, including
 - data that was considered (i.e., performance frameworks, school ESSA identification for improvement, poverty percentages, etc.)
 - stakeholders who were involved
- Consolidated Application Title IV, Part A Narrative and/or activity description [CDE has on file; no need to resubmit as part of monitoring]
- Expenditure reports reflect prioritization of funds to identified schools

The McKinney-Vento Homeless Assistance Act of 1987 Requirements

ID 8.1 Homeless Identification and Community Outreach	McKinney-Vento Sec. 722(g)(6)(A)(i-x)
<p>SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS. (42 U.S.C. 11432)</p> <p>(g) STATE PLAN-</p> <p>(6) LOCAL EDUCATIONAL AGENCY LIAISON-</p> <p>(A) DUTIES- Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—</p> <p>(i) homeless children and youths are identified by school personnel through outreach and coordination activities with other entities and agencies;</p> <p>(ii) homeless children and youths are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;</p> <p>(iii) homeless families and homeless children and youths have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act (42 U.S.C. 9831 et seq.), early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), and other preschool programs administered by the local educational agency;</p> <p>(iv) homeless families and homeless children and youths receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;</p> <p>(v) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;</p> <p>(vi) public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children and youths, and unaccompanied youths;</p>	<p>Demonstration of Compliance</p> <ul style="list-style-type: none"> <input type="checkbox"/> The LEA ensures that parents and youth are informed of educational rights under McKinney-Vento and the process by which McKinney students are identified in the LEA. <ul style="list-style-type: none"> <input type="checkbox"/> The LEA’s process includes children attending public preschool, Head Start programs, and unaccompanied homeless youth. <input type="checkbox"/> The LEA has designated a liaison to carry out the duties designated in the McKinney-Vento Education of Homeless Children and Youth Assistance Act section in the Consolidated Application. <ul style="list-style-type: none"> <input type="checkbox"/> The contact person is easily identifiable via the LEA’s website and relevant duties are included in the liaison’s job description. <p>Examples of Evidence</p> <ul style="list-style-type: none"> ■ Written plans, procedures, or policies <ul style="list-style-type: none"> ■ Example of public posting of educational rights ■ Dispute resolution process ■ Staff trainings ■ McKinney-Vento identification/verification forms ■ Consultation forms with public preschools and Head Start programs ■ Job description and daily schedule for liaison ■ Organizational chart or website staff directory with liaison contact information

(vii) enrollment disputes are mediated in accordance with paragraph (3)(E);
(viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A).
(ix) school personnel providing services under this subtitle receive professional development and other support; and
(x) unaccompanied youths—
(I) are enrolled in school;
(II) have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including through implementation of the procedures under paragraph (1)(F)(ii); and
(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and that the youths may obtain assistance from the local educational agency liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS. (42 U.S.C. 11432)*(g) STATE PLAN-***(7) REVIEW AND REVISIONS-**

(A) IN GENERAL- Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the identification of homeless children and youths or the enrollment of homeless children and youths in schools that are selected under paragraph (3).

(B) CONSIDERATION- In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.

(C) SPECIAL ATTENTION- Special attention shall be given to ensuring the identification, enrollment, and attendance of homeless children and youths who are not currently attending school.

Demonstration of Compliance

- ☐ The LEA implements a process and timeline for reviewing their McKinney-Vento policy and procedures.

Examples of Evidence

- McKinney-Vento LEA policies and procedures with revision dates
 - JFABD
 - JFABD-R
- Documentation may include dated meeting agendas, notes, and attendance logs for revision meetings
- Policies that indicate the timeline for review

SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS. (42 U.S.C. 11432)

(g) STATE PLAN-

(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS-

(A) IN GENERAL- The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest--

(i) continue the child's or youth's education in the school of origin for the duration of homelessness--

(I) in any case in which a family becomes homeless between academic years or during an academic year; and

(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

(B) SCHOOL STABILITY- In determining the best interest of the child or youth under subparagraph

(A), the local educational agency shall--

(i) presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;

(ii) consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child's or youth's parent or guardian or (in the case of an unaccompanied youth) the youth;

(iii) if, after conducting the best interest determination based on consideration of the presumption in clause (i) and the student-centered factors in clause (ii), the local educational agency determines that it is not in

Demonstration of Compliance

- ☐ The LEA implements a process for determining best interest and school of origin feasibility decisions.
- ☐ The LEA utilizes student-centered factors in the decision-making process and provides a written explanation of the reasons for its determination.
- ☐ The written explanation and information on the right to appeal are provided to parents and guardians in a manner and format that is accessible and understandable.
- ☐ The school selected immediately enrolls the student.

Examples of Evidence

- Documentation of the number of students staying in the schools of origin that are outside of their attendance area
- Copies of district policies JFABD and JFABD-R
- Dispute Resolution Process and Procedures

the child's or youth's best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, provide the child's or youth's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal under subparagraph (E); and

(iv) in the case of an unaccompanied youth, ensure that the local educational agency liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

(C) IMMEDIATE ENROLLMENT- (i) IN GENERAL.-- The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth— (I) is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency, or other documentation; or (II) has missed application or enrollment deadlines during any period of homelessness.

SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTHS. (42 U.S.C. 11432)

(g) STATE PLAN-

(1) IN GENERAL- For any State desiring to receive a grant under this subtitle, the State educational agency shall submit to the Secretary a plan to provide for the education of homeless children and youths within the State. Such plan shall include the following:

(J) Assurances that the following will be carried out--

(iii) The State and the local educational agencies in the State will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin (as determined under paragraph (3)), in accordance with the following, as applicable:

(I) If the child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

(II) If the child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

Demonstration of Compliance

- ☐ The LEA has written plans, procedures, or policies for providing transportation for homeless children and youths.

Examples of Evidence

- Transportation routes or schedules
- Budget expenditures
- Agreements or memorandums of understanding between LEAs
- Consultation with other LEAs or samples if none have been completed
- Copies of district policies JFABD and JFABD-R
- Expenditures related to transportation

Evaluation of Program Impact [EP]

Title I, Part A Requirements

EP 1.1 Schoolwide Program Evaluation	ESEA Sec. 1114(b)(3)
<p>SEC. 1114. [20 U.S.C. 6314] SCHOOLWIDE PROGRAMS</p> <p><i>(b) SCHOOLWIDE PROGRAM PLAN.—An eligible school operating a schoolwide program shall develop a comprehensive plan (or amend a plan for such a program that was in existence on the day before the date of the enactment of the Every Student Succeeds Act) that—</i></p> <p><i>(3) remains in effect for the duration of the school’s participation under this part, except that the plan and its implementation shall be regularly monitored and revised as necessary based on student needs to ensure that all students are provided opportunities to meet the challenging State academic standards;....</i></p>	<p>Demonstration of Compliance</p> <ul style="list-style-type: none"><input type="checkbox"/> The LEA has a process for monitoring and evaluating the effectiveness of schoolwide programs.<input type="checkbox"/> The LEA can demonstrate that evaluation results inform schoolwide plan revisions. <p>Examples of Evidence</p> <ul style="list-style-type: none">■ Written evaluation of the schoolwide plan■ Draft of new/updated schoolwide plan that highlights the changes and the evidence that supports those changes■ Implementation or Action Plan■ Unified Improvement Plan (UIP) - Performance Evaluation section■ Schedule for monitoring and evaluation

SEC. 1115. [20 U.S.C. 6315] TARGETED ASSISTANCE SCHOOLS.

(b) TARGETED ASSISTANCE SCHOOL PROGRAM.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the challenging State academic standards, each targeted assistance program under this section shall—

(2) serve participating students identified as eligible children under subsection (c), including by—

(G) provide to the local educational agency assurances that the school will—

(iii) on an ongoing basis, review the progress of eligible children and revise the targeted assistance program under this section, if necessary, to provide additional assistance to enable such children to meet the challenging State academic standards.

Demonstration of Compliance

- ☐ The LEA has a process for monitoring and evaluating the effectiveness of targeted assistance programs.
- ☐ The LEA can demonstrate that evaluation results inform plan revisions for targeted assistance schools.
- ☐ Description of processes to implement LEA plans, procedures, or policies for progress monitoring and re-identifying students for services.

Examples of Evidence

- Schedule for the monitoring and evaluation of targeted assistance programs
- Written evaluation of the schoolwide plan
- Draft of new/updated schoolwide plan that highlights the changes and the evidence that supports those changes
- LEA assessment plans, procedures, policies, or guidance regarding formative and summative assessments that are used to inform instruction
- MTSS or PLC plans, procedures, or policies and meeting agendas/minutes
- Assessment reports used to assign targeted supports to students meeting local policies
- Images of data walls used to assign targeted supports

SEC. 4106. [20 U.S.C. 7116] LOCAL EDUCATIONAL AGENCY APPLICATIONS.

(e) CONTENTS OF LOCAL APPLICATION.—Each application submitted under this section by a local educational agency, or a consortium of such agencies, shall include the following:

(1) DESCRIPTIONS.—A description of the activities and programming that the local educational agency, or consortium of such agencies, will carry out under this subpart, including a description of—

(E) the program objectives and intended outcomes for activities under this subpart, and how the local educational agency, or consortium of such agencies, will periodically evaluate the effectiveness of the activities carried out under this section based on such objectives and outcomes.

Demonstration of Compliance

- ☐ The LEA evaluates the effectiveness of the activities and programs throughout the year based on identified objectives.
- ☐ The district uses the periodic evaluation of data to determine effectiveness and future program planning.

Examples of Evidence

- Link to publicly posted evaluation data
- LEA assessment plans, procedures, policies, or guidance regarding formative and summative assessments that are used to inform instruction
- Interviews/surveys
- Sample evaluation forms
- District planning documentation
- Data review

Fiscal Requirements [FR]

FR 7.1 Maintenance of Equity

SEC. 2004. MAINTENANCE OF EFFORT AND MAINTENANCE OF EQUITY.

(c) LOCAL EDUCATIONAL AGENCY MAINTENANCE OF EQUITY FOR HIGH-POVERTY SCHOOLS.—

(1) IN GENERAL.—As a condition of receiving funds under section 2001, a local educational agency shall not, in fiscal year 2022 or 2023—

(A) reduce per-pupil funding (from combined State and local funding) for any high-poverty school served by such local educational agency by an amount that exceeds—

(i) the total reduction in local educational agency funding (from combined State and local funding) for all schools served by the local educational agency in such fiscal year (if any); divided by

(ii) the number of children enrolled in all schools served by the local educational agency in such fiscal year; or

(B) reduce per-pupil, full-time equivalent staff in any high-poverty school by an amount that exceeds—

(i) the total reduction in full-time equivalent staff in all schools served by such local educational agency in such fiscal year (if any); divided by

(ii) the number of children enrolled in all schools served by the local educational agency in such fiscal year.

ARP ESSER III Sec. 2004(c)

Demonstration of Compliance

- ❑ In FY 2022 and 2023, per-pupil funding and per-pupil FTE staff at high poverty schools were not reduced by an amount that exceeds the total reduction in funding for all schools as compared to the comparison year.¹
 - High poverty schools are defined as the top 25% of schools, including charter schools, in the LEA based on the percentage of economically disadvantaged students (i.e., free and reduced meal counts reported in Student October).

Note: If possible, this will be established by state data. If not, the LEA will have the opportunity to provide additional information to establish compliance.

Examples of Evidence (only needed if state did not determine compliance)

- Any data table, summary, or spreadsheet comparing state and local allocations² for fiscal years 2022 and 2023 against the comparison year. Data should demonstrate that:
 - Schools in the highest poverty quartile did not have a greater per-pupil reduction than the average reduction for all schools.
 - Schools in the highest poverty quartile did not have a greater reduction in FTE[2] per-pupil than the average reduction for all schools.

¹ This does not apply to LEAs who meet the exceptions listed under the statutory indicator, section 2.A-D.

² An LEA generally includes all sources of State and local funds the LEA has available for current expenditures for free public education. (See section 8101(12) of the ESEA.) Current expenditures do not include dedicated funds for capital outlays and debt service, support from private donors, such as charitable contributions that corporations or individuals make to elementary and secondary education. The LEA must use consistent funding sources from year to year and document its sources of data. and if an LEA can document a one-time disbursement for a specific purpose (e.g., a revenue surplus that was distributed only for one year), then those funds may be excluded from MOEquity calculations. These data should be consistent with sources of State and local funding that an LEA uses to report for the purposes of per-pupil expenditures in section 1111(h)(1)(C)(x) of the ESEA.

(2) EXCEPTION.—Paragraph (1) shall not apply to a local educational agency in fiscal year 2022 or 2023 that meets at least 1 of the following criteria in such fiscal year:

(A) Such local educational agency has a total enrollment of less than 1,000 students.

(B) Such local educational agency operates a single school.

(C) Such local educational agency serves all students within each grade span with a single school.

(D) Such local educational agency demonstrates an exceptional or uncontrollable circumstance, such as unpredictable changes in student enrollment or a precipitous decline in the financial resources of such agency, as determined by the Secretary of Education.

- Narrative explaining exceptional circumstances that could have resulted in an exception from this statutory indicator, as described in section 2.D.

Cross Program Requirements

FR 9.2 Maintenance of Effort	ESEA Sec. 1118(a), 8521
<p>SEC. 1118. [20 U.S.C. 6321] FISCAL REQUIREMENTS. <i>(a) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency involved finds that the local educational agency has maintained the agency’s fiscal effort in accordance with section 8521.</i></p> <p>SEC. 8521. [20 U.S.C. 7901] MAINTENANCE OF EFFORT. <i>(a) IN GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of the agency and the State with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of subsection (b). (b) REDUCTION IN CASE OF FAILURE TO MEET.—</i> <i>(1) IN GENERAL.—The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of subsection (a) of this section by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency), if such local educational agency has also failed to meet such requirement (as determined using the measure most favorable to the local agency) for 1 or more of the 5 immediately preceding fiscal years.</i> <i>(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) of this section for subsequent years.</i> <i>(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—</i></p>	<p>Demonstration of Compliance</p> <ul style="list-style-type: none"> ❑ LEA provides a consistent (no less than 90 percent of the previous year’s allocation) level of financial support to each public school within the LEA. <p>Examples of Evidence</p> <ul style="list-style-type: none"> ■ CDE annually calculates the fiscal effort of each LEA, both the combined fiscal effort per student and the aggregate state and local expenditures of the LEA, to determine whether MOE requirements have been met through either method. <p>The LEA does not need to submit any documentation. Any followup regarding Maintenance of Effort will occur directly between the district and school finance to determine the impact on future allocations. CDE completed calculations can be accessed by following this link: http://www.cde.state.co.us/cdefinance/sffpptablecontents).</p>

(1) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the local educational agency; or
(2) a precipitous decline in the financial resources of the local educational agency.

SEC. 1117. [20 U.S.C. 6320] PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(d) *PUBLIC CONTROL OF FUNDS.*—

(1) *IN GENERAL.*—*The control of funds provided under this part, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.*

(2) *PROVISION OF SERVICES.*—

(A) *PROVIDER.*—*The provision of services under this section shall be provided— (i) by employees of a public agency; or (ii) through contract by such public agency with an individual, association, agency, or organization.*

(B) *REQUIREMENT.*—*In the provision of such services, such employee, individual, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.*

SEC. 8501. [20 U.S.C. 7881] PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

(d) *PUBLIC CONTROL OF FUNDS.*—

(1) *IN GENERAL.*—*The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property.*

(2) *PROVISION OF SERVICES.*—

(A) *IN GENERAL.*—*The provision of services under this section shall be provided—*

(i) by employees of a public agency; or

(ii) through contract by the public agency with an individual, association, agency, organization, or other entity.

(B) *INDEPENDENCE; PUBLIC AGENCY.*—*In the provision of those services, the employee, person, association, agency, organization, or other entity shall be*

Demonstration of Compliance

- ☐ Fiscal plans and procedures demonstrate control of funds and acquired property.

Examples of Evidence

- Documentation of requests from non-public school(s) for needed items and the documentation that items were purchased by the LEA on behalf of the non-public school(s)
- Inventory reports, spreadsheets, or documents that itemize the inventory provided to non-public schools
- Description of the inventory process for tracking property
- Local accounting policy that outlines the process for maintaining control of funds and tracking property
- Documentation of purchasing process
- Expenditure detail for all purchases made on behalf of the non-public school(s)

independent of the private school and of any religious organization, and the employment or contract shall be under the control and supervision of the public agency.

(C) COMMINGLING OF FUNDS PROHIBITED.—Funds used to provide services under this section shall not be commingled with non-Federal funds.

SEC. 18005. ASSISTANCE TO NON-PUBLIC SCHOOLS

(b) PUBLIC CONTROL OF FUNDS.—The control of funds for the services and assistance provided to a non-public school under subsection (a), and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property and shall provide such services (or may contract for the provision of such services with a public or private entity).

§ 200.64 Factors for determining equitable participation of private school children.

(a) Equal expenditures.

(1) Funds expended by an LEA under this subpart for services for eligible private school children in the aggregate must be equal to the proportion of funds generated by private school children from low-income families who reside in participating public school attendance areas under paragraph (a)(2) of this section.

(2) An LEA must determine the proportional share of funds available for services for eligible private school children based on the total amount of funds received by the LEA under subpart 2 of part A of title I of the ESEA prior to any allowable expenditures or transfers by the LEA.

SEC. 1117. [20 U.S.C. 6320] PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) *GENERAL REQUIREMENT.*—

(2) *SECULAR, NEUTRAL, NONIDEOLOGICAL.*—*Such educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological.*

SEC. 8501. [20 U.S.C. 7881] PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

(a) *PRIVATE SCHOOL PARTICIPATION.*—

(2) *SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.*—*Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.*

SEC. 18005. ASSISTANCE TO NON-PUBLIC SCHOOLS

(a) *IN GENERAL.*—*A local educational agency receiving funds under sections 18002 or 18003 of this title shall provide equitable services in the same manner as provided under section 1117 of the ESEA of 1965 to students and teachers in non-public schools, as determined in consultation with representatives of non-public schools.*

Demonstration of Compliance

- ☐ All equitable services provided with federal funds were for activities that are secular, neutral, and non-ideological.
- ☐ Evidence of alignment between the consultation forms and the proposed budget submitted through the application for funds. Additional changes to activities may be made during the ongoing consultation process.
- ☐ Implemented activities match those described in the approved budget items from the application for funds.

Examples of Evidence

- Expenditure report line item detail, action plan, budget, or other planning documents that demonstrate the use of funds for non-public school purchases.
- As applicable:
 - Invoices for books or supplies/materials purchased
 - Scope of work, contract, subcontractor/vendor agreements for providing equitable services
 - Inventory list of technology and/or equipment
 - Documentation of non-public school staff attending professional development opportunities that were part of the planned equitable services in the application for funds (as applicable)
 - Professional development material (agendas, PowerPoint, booklets) to demonstrate that the content was secular, neutral, and non-ideological
 - Documentation (abstracts, summaries, overviews) that the content of instructional materials purchased is secular, neutral, and non-ideological

SEC. 8501. [20 U.S.C. 7881] PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

(a) PRIVATE SCHOOL PARTICIPATION.—

(4) EXPENDITURES.—

(A) IN GENERAL.—Expenditures for educational services and other benefits provided under this section for eligible private school children, their teachers, and other educational personnel serving those children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

SEC. 1117. [20 U.S.C. 6320] PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) GENERAL REQUIREMENT.—

(4) EXPENDITURES.—

(A) DETERMINATION.—

(i) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

(ii) PROPORTIONAL SHARE.—The proportional share of funds shall be determined based on the total amount of funds received by the local educational agency under this part prior to any allowable expenditures or transfers by the local educational agency.

§ 200.64 Factors for determining equitable participation of private school children.

(a) Equal expenditures.

(1) Funds expended by an LEA under this subpart for services for eligible private school children in the aggregate must be equal to the proportion of funds generated by private school children from low-income families who

Demonstration of Compliance

- ☐ The LEA ensures that its expenditures for equitable services are equal to the proportion of funds generated by children from low-income families who reside in participating Title I public school attendance areas and attend private schools; and
- ☐ The LEA determines the proportional share of Title I funds available for equitable services for eligible private school children based on the total amount of Title I funds received by the LEA prior to any allowable expenditures or transfers of funds.

Examples of Evidence

- Calculation in ConsApp [CDE has on file; no need to resubmit as part of monitoring]
- Budget system report or documentation that demonstrates that the full allocated amount was reserved and used for the non-public school in alignment with the amount in the Consolidated Application
- Non-public school student count (including low-income students) data
- MOU or other documentation of consultation(s) between districts that describe which LEA will provide services to students that reside within the district's Title I attendance area and attend a non-public school in a neighboring district

reside in participating public school attendance areas under paragraph (a)(2) of this section.

(2) An LEA must determine the proportional share of funds available for services for eligible private school children based on the total amount of funds received by the LEA under subpart 2 of part A of title I of the ESEA prior to any allowable expenditures or transfers by the LEA.

(3)

(i) To obtain a count of private school children from low-income families who reside in participating public school attendance areas, the LEA may -

(A) Use the same poverty data the LEA uses to count public school children;

(B)(1) Use comparable poverty data from a survey of families of private school students that, to the extent possible, protects the families' identity; and

(2) Extrapolate data from the survey based on a representative sample if complete actual data are unavailable;

(C) Use comparable poverty data from a different source, such as scholarship applications;

(D) Apply the low-income percentage of each participating public school attendance area to the number of private school children who reside in that school attendance area; or

(E) Use an equated measure of low income correlated with the measure of low income used to count public school children.

(ii) An LEA may count private school children from low-income families every year or every two years.

(iii) After timely and meaningful consultation in accordance with § 200.63, the LEA shall have the final authority in determining the method used to calculate the number of private school children from low-income families.

(4) An SEA must provide notice in a timely manner to appropriate private school officials in the State of the allocation of funds for educational services and other benefits that LEAs have determined are available for eligible private school children.

(5) An LEA must obligate funds generated to provide equitable services for eligible private school children in the fiscal year for which the funds are received by the LEA.

(b) Services on an equitable basis.

(1) The services that an LEA provides to eligible private school children must be equitable in comparison to the services and other benefits that the LEA provides to public school children participating under subpart A of this part.

(2) Services are equitable if the LEA -

(i) Addresses and assesses the specific needs and educational progress of eligible private school children on a comparable basis as public school children;

(ii) Meets the equal expenditure requirements under paragraph (a) of this section; and

(iii) Provides private school children with an opportunity to participate that -

(A) Is equitable to the opportunity provided to public school children; and

(B) Provides reasonable promise of the private school children achieving the high levels called for by the State's student academic achievement standards or equivalent standards applicable to the private school children.

(3)

(i) The LEA may provide services to eligible private school children either directly or through arrangements with another LEA or a third-party provider.

(ii) If the LEA contracts with a third-party provider -

(A) The provider must be independent of the private school; and

(B) The contract must be under the control and supervision of the LEA.

(4) After timely and meaningful consultation under § 200.63, the LEA must make the final decisions with respect to the services it will provide to eligible private school children.

[82 FR 31709, July 7, 2017, as amended at 84 FR 31675, July 2, 2019]

SEC. 1117. [20 U.S.C. 6320] PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) *GENERAL REQUIREMENT.*—

(4) *EXPENDITURES.*—

(B) *OBLIGATION OF FUNDS.*—*Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency.*

SEC. 8501. [20 U.S.C. 7881] PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

(a) *PRIVATE SCHOOL PARTICIPATION.*—

(4) *EXPENDITURES.*—

(B) *OBLIGATION OF FUNDS.*—*Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency.*

Demonstration of Compliance

- ☐ Consultation forms show evidence of an acknowledgement from the non-public school that all funds will be obligated in the funding year.
- ☐ Final Expenditure report includes any carryover for non-public schools.
- ☐ Carryover funds have been tracked and made available to the non-public school that did not utilize all of its funds in the previous year.
- ☐ The Consolidated Application appropriately budgets non-public school carryover.

Examples of Evidence

- Consultation forms [CDE has on file; no need to resubmit as part of monitoring]
- Consolidated Application [CDE has on file; no need to resubmit as part of monitoring]
- Budget system report or documentation that demonstrates that the full allocated amount was reserved and used for the non-public school in alignment with the amount in the Consolidated Application

§ 200.313 Equipment.

(d) Management requirements. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a Federal award, until disposition takes place will, as a minimum, meet the following requirements:

(1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for the Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.

(2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.

(3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.

(4) Adequate maintenance procedures must be developed to keep the property in good condition.

(5) If the non-Federal entity is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

OBJECT Code/Definitions for Usage

0600: *Amounts paid for items that are consumed, worn out, or deteriorated through use; or items that lose their identity through fabrication or incorporation into different or more complex units or substances. Items that do not contribute to a district's capital assets, as evaluated by the district's capital assets policy, may be coded as supply items, or may be coded as 0735, Non-Capital Equipment. Items that contribute to a district's capital assets must be coded as equipment items in the 0700 series*

Demonstration of Compliance

- ☐ The LEA utilizes an inventory and tracking system for supplies and equipment purchased with Federal funds that aligns with written policy and/or procedures and meets the following requirements to safeguard all assets. This would include the allowance of technology items to be checked out/loaned to students and staff.
- ☐ Documented physical inventory reports and status, at a minimum, every two years.
- ☐ LEA's written inventory procedures must include the following:
 - ☐ process performed when inventory is received;
 - ☐ process describing what type of property is tagged and what position/office performs the tagging;
 - ☐ process to adjust the inventory records in the event the property is sold, lost, or stolen, or cannot be repaired.
- ☐ Inventory Records should include at a minimum:
 - ☐ Serial number or other identification number
 - ☐ Source of funding for the property, including FAIN# (Federal Award Identification Number); and CFDA#
 - ☐ Title owner/holder
 - ☐ Acquisition date
 - ☐ Acquisition cost
 - ☐ Percentage of cost related to Federal participation for the program under which the property was acquired (when not fully funded with federal funds)
 - ☐ Location of equipment
 - ☐ Any ultimate disposition data including the date of disposal and sale price of the property, federal release of title/approval to dispose.

Examples of Evidence

- Written procedures
- Current Inventory list

0730: *Expenditures for the initial and replacement items of equipment, such as machinery, furniture, fixtures, and vehicles. Machinery, furniture, and fixtures (including teacher desks, chairs, and file cabinets), technology equipment, and other equipment that are used for instructional purposes should be charged to appropriate instructional programs. The district's capital asset policy establishes criteria for when an equipment item must be capitalized and included on the district's property inventory records. Usually this criteria requires equipment costing above a certain dollar amount to be capitalized. Capitalized equipment must be coded with an object 0730*

0735: *Expenditures for items classified as equipment but costing less than the district policy for capital assets inventory. Alternatively, non-capital equipment may be coded as a supply to an object in the 0600 series*

- Check out procedures, to include current disposition and location of items, as well as Inventory Records Requirements in Property and Equipment section.

SEC. 8306. [20 U.S.C. 7846] OTHER GENERAL ASSURANCES.

(a) ASSURANCES.—Any applicant, other than a State educational agency that submits a plan or application under this Act, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—
(2)

(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a eligible private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and
(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes;....

§ 200.302 Financial management.

(b) The financial management system of each non-Federal entity must provide for the following (see also §§ 200.334, 200.335, 200.336, and 200.337):

(1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the Assistance Listings title and number, Federal award identification number and year, name of the Federal agency, and name of the pass-through entity, if any.

(2) Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set forth in §§ 200.328 and 200.329. If a Federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient must not

Demonstration of Compliance

- ☐ LEAs must expend and account for Federal funds in accordance with Federal and State laws and procedures for expending and accounting for these funds. LEA's accounting systems must satisfy Federal and State requirements regarding the ability to track the use of funds and permit the disclosure of financial results. LEAs must follow written procedures for determining cost allowability and must have effective control over all funds.
- ☐ Awards are received and expended under the programs for which they were received.
- ☐ Accurate, current, and complete disclosure of the financial results of each award.
- ☐ Records that identify the source and application of funds for federally funded activities.
- ☐ Effective control over and accountability for all funds, property, and other assets to assure that they are used solely for authorized purposes.
- ☐ Comparison of expenditures to budget amounts, to include a system/process in place to prevent over budgeted expenditures.
- ☐ Written procedures to implement payments.
- ☐ Written procedures to determine allowability of costs.

Examples of Evidence

- Generate report of budget to actual amounts (interim financial report generated from proprietary accounting system, general ledger).

be required to establish an accrual accounting system. This recipient may develop accrual data for its reports on the basis of an analysis of the documentation on hand. Similarly, a pass-through entity must not require a subrecipient to establish an accrual accounting system and must allow the subrecipient to develop accrual data for its reports on the basis of an analysis of the documentation on hand.

(3) Records that identify adequately the source and application of funds for federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, financial obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.

(4) Effective control over, and accountability for, all funds, property, and other assets. The non-Federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes. See § 200.303.

(5) Comparison of expenditures with budget amounts for each Federal award.

(6) Written procedures to implement the requirements of § 200.305.

(7) Written procedures for determining the allowability of costs in accordance with subpart E of this part and the terms and conditions of the Federal award.

§ 76.702 Fiscal control and fund accounting procedures.

A State and a subgrantee shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds.

- LEA revenue and expenditure detail report. Policy/procedure representing the requirement for federal funds being managed independently of all other funds.

§ 200.511 Audit findings follow-up.

(c) Corrective action plan. At the completion of the audit, the auditee must prepare, in a document separate from the auditor's findings described in § 200.516, a corrective action plan to address each audit finding included in the current year auditor's reports. The corrective action plan must provide the name(s) of the contact person(s) responsible for corrective action, the corrective action planned, and the anticipated completion date. If the auditee does not agree with the audit findings or believes corrective action is not required, then the corrective action plan must include an explanation and specific reasons.

Demonstration of Compliance

- ☐ The LEA corrective action plan, from prior year federal audit finding, or LEA monitoring, has been implemented according to the agreed upon plan.

Examples of Evidence

- Single audit report from a subsequent year showing that findings have been addressed.
- Evidence of implementation of required activities relate to the corrective action plan (e.g. journal entries, updated policy and procedures, narrative description of the improved internal controls).
- Expenditure or ledger reports showing implementation of activities outlined in the corrective action plan.
- Meeting notes or materials that demonstrate implementation of activities outlined in the corrective action plan.
- Samples of reports, letters, or other communication to stakeholders that describe the implementation of corrective actions taken.

§ 200.430 Compensation - personal services.*(i) Standards for Documentation of Personnel Expenses*

(1) Charges to Federal awards for salaries and wages must be based on records that accurately reflect the work performed. These records must:

- (i) Be supported by a system of internal control which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;*
- (ii) Be incorporated into the official records of the non-Federal entity;*
- (iii) Reasonably reflect the total activity for which the employee is compensated by the non-Federal entity, not exceeding 100% of compensated activities (for IHE, this per the IHE's definition of IBS);*
- (iv) Encompass federally-assisted and all other activities compensated by the non-Federal entity on an integrated basis, but may include the use of subsidiary records as defined in the non-Federal entity's written policy;*
- (v) Comply with the established accounting policies and practices of the non-Federal entity (See paragraph (h)(1)(ii) above for treatment of incidental work for IHEs.); and*
- (vi) [Reserved]*

(vii) Support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one Federal award; a Federal award and non-Federal award; an indirect cost activity and a direct cost activity; two or more indirect activities which are allocated using different allocation bases; or an unallowable activity and a direct or indirect cost activity.

(viii) Budget estimates (i.e., estimates determined before the services are performed) alone do not qualify as support for charges to Federal awards, but may be used for interim accounting purposes, provided that:

- (A) The system for establishing the estimates produces reasonable approximations of the activity actually performed;*
- (B) Significant changes in the corresponding work activity (as defined by the non-Federal entity's written policies) are identified and entered into the records in a timely manner. Short term (such as one or two months) fluctuation between workload categories need not be considered as long as*

Demonstration of Compliance

- ☐ The LEA maintains proper time and effort documentation that accounts for 100% of the effort of any employee that is paid in whole or in part with Federal Funds.
- ☐ Personnel activity reports (PAR): If an employee works on multiple activities or cost objectives, a distribution of the employee's salary and wages must be supported by a personnel activity report or equivalent documentation. A PAR must:
 - reflect an after-the-fact distribution of the actual activity of the employee,
 - account for the total activity for which each employee is compensated for the payment period in question,
 - be prepared at least monthly and coincide with one or more pay periods,
 - be approved by an individual (program manager/supervisor) with direct knowledge of the time and activity (effort) performed.
- ☐ Semi-annual certifications are also an allowable form of time and effort tracking for individuals working on a single cost objective. The certifications must include all detail in the PAR description above, but are allowed to be completed on a semi-annual basis.

Examples of Evidence

- Written procedures for documenting time and effort to include approval and allocations of labor expenditures which tie to PAR/semi-annual certification, financial payroll reporting, general ledger reporting, and support of program objectives.
- Semi-annual certification (single cost objective 100%)
- Personnel Activity Reports (PARs) (multiple cost objectives)
- Substitute system (multiple cost objectives with predetermined, set schedule, must be pre-approved by CDE)

the distribution of salaries and wages is reasonable over the longer term; and

(C) The non-Federal entity's system of internal controls includes processes to review after-the-fact interim charges made to a Federal award based on budget estimates. All necessary adjustment must be made such that the final amount charged to the Federal award is accurate, allowable, and properly allocated.

(5) For states, local governments and Indian tribes, substitute processes or systems for allocating salaries and wages to Federal awards may be used in place of or in addition to the records described in paragraph (1) if approved by the cognizant agency for indirect cost. Such systems may include, but are not limited to, random moment sampling, "rolling" time studies, case counts, or other quantifiable measures of work performed.

FR 9.12 Written Policies and Procedures

See Statutory Indicator for Reference

- 1) *Financial Management System*
2 CFR 200.302(b)(1-4); 34 CFR 75.730
- 2) *Cash Management System*
2 CFR 200.302(b)(6)
- 3) *Allowability of Costs*
2 CFR 200.403-405
- 4) *Procurement*
2 CFR 200.318(a)
- 4a) *Conflict of Interest*
2 CFR 200.318(c)(1)
- 5) *Travel*
2 CFR 200.475
- 6) *Property*
2 CFR 200.3, 2 CFR 200.439
- 7) *Personally Identified Information*
2 CFR 200.338, 34 CFR 75.740
- 8) *Records Retention*
2 CFR 200.334

Demonstration of Compliance

- ☐ Policies, procedures and/or desk-level procedures exist for each of the required items.

Examples of Evidence

- Policies that meet all requirements relating to:
 - 1) Financial Management System (levels of approval, handbook, grant approval process, internal procedures, evidence federal funds are tracked separately from other funds, board policies, budget to actual reporting, separation of duties)
 - 2) Cash Management System (policy/procedure to ensure CMA is adhered to, district does not draw down funds in advance of expenditure for federal funds)
 - 3) Allowability of Costs (process for reviewing expenditures to ensure they are allocable, allowable, reasonable, necessary and align to the program objectives)
 - 4) Procurement (proper levels of approval for purchase cost levels, separation of duties, MicroPurchase thresholds are followed, proper and complete documentation)
 - 4a) Conflict of Interest- policy/procedure for safeguarding against and notification to pass through entity of potential conflict
 - 5) Travel (proper levels of approval, reasonable and necessary, when are costs are actually obligated and process for determination)
 - 6) Property (are internal capital expenditure processes followed consistently) and inventory (inventory, tracking, and disposition procedures)
 - 7) Personally Identified Information - policy/procedure for safeguarding
 - 8) Records Retention (where stored, how, and what process is followed for destruction)

§ 200.318 General procurement standards.

The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§ 200.317 through 200.327.

§ 200.319 Competition.

All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and § 200.320.

§ 200.320 Methods of procurement to be followed.

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and §§ 200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

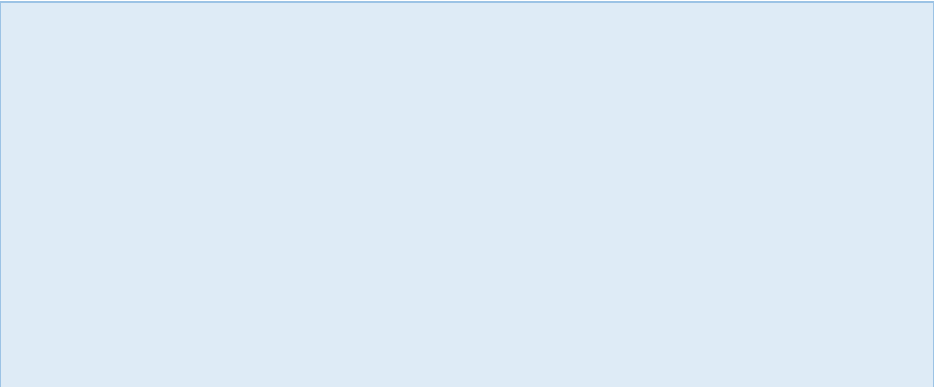
- (a) Informal procurement methods.*
- (b) Formal procurement methods.*
- (c) Noncompetitive procurement.*

Demonstration of Compliance

- ☐ The LEA uses its own documented procurement procedures which reflect applicable State and local laws and regulations, provided that the procurement conform to applicable Federal law and the standards identified in regulatory guidance.
- ☐ If the LEA's internal policy and/or procedures is less restrictive than federal procurement regulations, the federal regulation is followed.
- ☐ The LEA has a written procedure for procurement transactions, including vendor selection process. The procedures shall also describe the method(s) of procurement chosen by the LEA in regards to:
 - ☐ micro purchases;
 - ☐ small purchases;
 - ☐ sealed bids;
 - ☐ competitive proposals;
 - ☐ non-competitive (sole source) proposals, detail around conflicts of interest, approval authority, and separation of duties.

Examples of Evidence

- Sample evidence or contracts from a variety of purchases:
 - a) micro purchases;
 - b) small purchases;
 - c) sealed bids;
 - d) competitive proposals;
 - e) non-competitive (sole source) proposals.
- All evidence should include approvals for procurement, rationale pertaining to the type of procurement process used, receipts, receiving documents/packing slips; copies of competitive pricing/bids, copy of payment, canceled check/pCard. If services or contract, include a copy of contract and invoice for services.

- 
- Supporting documentation should support the internal policy/procedures for each type of procurement used. For instance, for small purchases, a simple print out from vendor websites showing price and availability can substantiate the vendor chosen. It is also a good practice to indicate on the receipt what cost objective/budget line item the purchase is supporting.

§ 200.303 Internal controls.

The non-Federal entity must:

(e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and responsibility over confidentiality.

Demonstration of Compliance

- ☐ The LEA takes reasonable measures to safeguard and protect Personally Identifiable Information (PII).
- ☐ The LEA has policies and procedures in place regarding the protection of PII for students and staff.

Examples of Evidence

- Reports or public facing websites demonstrating redacted information.
- Policy and/or procedures regarding protection of PII (vendors, internal, students)

§ 200.112 Conflict of interest.

The Federal awarding agency must establish conflict of interest policies for Federal awards. The non-Federal entity must disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy.

§ 200.113 Mandatory disclosures.

The non-Federal entity or applicant for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that have received a Federal award including the term and condition outlined in appendix XII to this part are required to report certain civil, criminal, or administrative proceedings to SAM (currently FAPIIS). Failure to make required disclosures can result in any of the remedies described in § 200.339. (See also 2 CFR part 180, 31 U.S.C. 3321, and 41 U.S.C. 2313.)

§ 200.214 Suspension and debarment.

Non-Federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, [2 CFR part 180](#). The regulations in [2 CFR part 180](#) restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

Demonstration of Compliance

- ☐ The LEA has procedures to identify and disclose in writing any violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award to the Federal awarding agency or pass-through entity in accordance with policy.
- ☐ The LEA has procedures to identify and disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with policy.
- ☐ The LEA has a procedure to identify and refrain from engaging with certain parties that are debarred, suspended or otherwise ineligible for participation in Federal assistance programs or activities.

Examples of Evidence

- Written policy/procedures identifying district process to ensure Ethical Transparency and examples of process, to include disclosure to pass-through of any violation including fraud, waste, abuse, or conflicts of interest.
- Documentation in procurement support indicating the review of debarred status for vendors, contractors, and providers.

§ 200.303 Internal controls.

The non-Federal entity must:

(a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

(b) Comply with the U.S. Constitution, Federal statutes, regulations, and the terms and conditions of the Federal awards.

(c) Evaluate and monitor the non-Federal entity's compliance with statutes, regulations and the terms and conditions of Federal awards.

(d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.

(e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and responsibility over confidentiality.

Demonstration of Compliance

- ☐ The LEA must establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award.
- ☐ LEAs are required to minimize the time elapsing between transfer of funds from U.S. or State Treasury (or pass through) and disbursement, so as not to exceed 3 days. CDE requires that all federal awards be managed on a reimbursement basis.
- ☐ The LEA has internal controls in place that identify:
 - ☐ Accounting Functions, to include requests for funds reimbursement, general accounting functions (coding expenditures, managing accounts payable, etc.)
 - ☐ Cash Management/treasury functions to include interest liability
 - ☐ Process and procedures for the internal accounting system to track obligations, unobligated balances and interest earned, and how these are monitored.
 - ☐ Policy/procedures for review and approval of all federally funded expenditures, obligations, payroll expenditures, requests for funds and interim and annual reporting.
 - ☐ Policy/procedures in place for ensuring separation of duties as well as review process for expenditures, time and effort, etc.

Examples of Evidence

- Written procedures for general ledger and payment systems
- Authorized requestors are updated appropriately identified to CDE via the Consolidated Application or email
- Audit/Single Audit
- Corrective Action for prior year findings on internal control

SEC. 8306. [20 U.S.C. 7846] OTHER GENERAL ASSURANCES.

(a) ASSURANCES.—Any applicant, other than a State educational agency that submits a plan or application under this Act, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—
(2)

(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a eligible private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and
(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes;

§ 200.400 Policy guide.

The application of these cost principles is based on the fundamental premises that:

(a) The non-Federal entity is responsible for the efficient and effective administration of the Federal award through the application of sound management practices.

(b) The non-Federal entity assumes responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.

(c) The non-Federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award.

(d) The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-Federal entity. However, the accounting practices of the non-Federal entity must be consistent with these cost principles and support the accumulation of costs

Demonstration of Compliance

- ❑ The LEA must adhere to the Cost Principles, as applicable per grant award and awarding agency or pass-through entity policy. These principles must be used in determining the allowable costs of work performed by the non-Federal entity under Federal awards. These principles also must be used by the non-Federal entity as a guide in the pricing of fixed-price contracts and subcontracts where costs are used in determining the appropriate price.
- ❑ The LEA has procedures in place for determining allowable and allocable costs.
 - A cost is reasonable if:
 - in its nature and amount, does not exceed the market prices for comparable goods or services for the geographic area;
 - does not exceed what would be incurred by a prudent person;
 - meets requirements imposed by such factors as sound business practices;
 - arm's-length bargaining; Federal, state and other laws and regulations; and terms and conditions of the Federal award.

Examples of Evidence

- Documentation to be included in files supporting the allowability of costs, association to federal award as well as how the activity or cost supports the objective and in support of the required outcomes of the federal award.
- Written procedure for allowable cost and determination of reasonableness
- Procurement policies

as required by the principles, and must provide for adequate documentation to support costs charged to the Federal award.

(e) In reviewing, negotiating and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-Federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-Federal entity, the reasonableness and equity of such treatments should be fully considered. See the definition of indirect (facilities & administrative (F&A)) costs in § 200.1 of this part.

(f) For non-Federal entities that educate and engage students in research, the dual role of students as both trainees and employees (including pre- and post-doctoral staff) contributing to the completion of Federal awards for research must be recognized in the application of these principles.

(g) The non-Federal entity may not earn or keep any profit resulting from Federal financial assistance, unless explicitly authorized by the terms and conditions of the Federal award. See also § 200.307.

Additional guidance found in §§200.401 through §§200.415 and §§200.420 through §§200.476.

- Allowable per program (by statute) and documentation and guides for non-federal entity completing the work under the federal award, indicating what is and is not allowable.

§ 200.308 Revision of budget and program plans.

(a) The approved budget for the Federal award summarizes the financial aspects of the project or program as approved during the Federal award process. It may include either the Federal and non-Federal share (see definition for Federal share in § 200.1) or only the Federal share, depending upon Federal awarding agency requirements. The budget and program plans include considerations for performance and program evaluation purposes whenever required in accordance with the terms and conditions of the award.

(b) Recipients are required to report deviations from budget or project scope or objective, and request prior approvals from Federal awarding agencies for budget and program plan revisions, in accordance with this section.

(c) For non-construction Federal awards, recipients must request prior approvals from Federal awarding agencies for the following program or budget-related reasons:

(1) Change in the scope or the objective of the project or program (even if there is no associated budget revision requiring prior written approval).

(2) Change in a key person specified in the application or the Federal award.

(3) The disengagement from the project for more than three months, or a 25 percent reduction in time devoted to the project, by the approved project director or principal investigator.

(4) The inclusion, unless waived by the Federal awarding agency, of costs that require prior approval in accordance with subpart E of this part as applicable.

(5) The transfer of funds budgeted for participant support costs to other categories of expense.

(6) Unless described in the application and funded in the approved Federal awards, the subawarding, transferring or contracting out of any work under a Federal award, including fixed amount subawards as described in § 200.333. This provision does not apply to the acquisition of supplies, material, equipment or general support services.

(7) Changes in the approved cost-sharing or matching provided by the non-Federal entity.

(8) The need arises for additional Federal funds to complete the project.

Demonstration of Compliance

- ❑ The LEA can demonstrate that changes to programs or budgets requiring prior approval have been accomplished, with documented CDE approval.

Examples of Evidence

- Post-award revisions have been requested and approved.
- Supporting documentation of allowable changes, requirements/reason for required changes.

§ 200.412 Classification of costs.

There is no universal rule for classifying certain costs as either direct or indirect (F&A) under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the Federal award or other final cost objective. Therefore, it is essential that each item of cost incurred for the same purpose be treated consistently in like circumstances either as a direct or an indirect (F&A) cost in order to avoid possible double-charging of Federal awards. Guidelines for determining direct and indirect (F&A) costs charged to Federal awards are provided in this subpart.

Demonstration of Compliance

- ☐ The LEA ensures that items of cost which are included in a negotiated Indirect Cost Rate base are not also charged to a federal award as a direct cost, as this would result in 'double dipping'.
- ☐ The LEA's indirect cost rate is calculated based on actual expenditures versus the allocation.

Examples of Evidence

- General ledger, including indirect cost journal entries.
- Review of Indirect Cost Rate calculation and base costs used.
- Expenditure detail by job class code and object code.
- Records of expenses included in general costs and administrative costs.

§ 76.600 Where to find construction regulations.

(a) A State or a subgrantee that requests program funds for construction, or whose grant or subgrant includes funds for construction, shall comply with the rules on construction that apply to applicants and grantees under 34 CFR 75.600-75.617.

§ 200.439 Equipment and other capital expenditures.

(b) The following rules of allowability must apply to equipment and other capital expenditures:

(1) Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except with the prior written approval of the Federal awarding agency or pass-through entity.

(2) Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5,000 or more have the prior written approval of the Federal awarding agency or pass-through entity.

(3) Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior written approval of the Federal awarding agency, or pass-through entity. See § 200.436, for rules on the allowability of depreciation on buildings, capital improvements, and equipment. See also § 200.465.

(4) When approved as a direct charge pursuant to paragraphs (b)(1) through (3) of this section, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal awarding agency.

(5) The unamortized portion of any equipment written off as a result of a change in capitalization levels may be recovered by continuing to claim the otherwise allowable depreciation on the equipment, or by amortizing the

Demonstration of Compliance

- ☐ The LEA obtained prior written approval from CDE for any remodeling, renovation, or new construction using federal funds.
- ☐ The LEA has complied with all applicable Uniform Guidance requirements and additional federal regulations regarding remodeling, renovation, or new construction.
- ☐ All remodeling, renovation, repairs, and new construction costing more than \$2,000 comply with the Davis-Bacon Prevailing Wage Requirements. Specifically, all contractors and subcontractors were paid prevailing wages in the LEA's area.
- ☐ Environmental impact survey was completed and concerns have been addressed satisfactorily with the appropriate agency, if applicable.
- ☐ Historical building considerations on the structure and surrounding area have been addressed.
- ☐ Proper Title and interest are secured by the LEA for a period of the useful life of the building or 50 years.
- ☐ The LEA has ensured that the building is in compliance with all federal, state and local health and safety regulations.
- ☐ The construction and/or remodel complies with the regulations of the Americans with Disabilities Act.
- ☐ The LEA has sufficient funds or a plan to obtain the funds to continue to run and upkeep the building.
- ☐ There is proper insurance on all real property and that all disposal meets the Federal guidelines.
- ☐ All capital expenditures must also meet local procurement policies.

Examples of Evidence

- Copies of consultation with governmental agencies, architecture plans with building permits, historic and environmental surveys.

amount to be written off over a period of years negotiated with the Federal cognizant agency for indirect cost.

(6) Cost of equipment disposal. If the non-Federal entity is instructed by the Federal awarding agency to otherwise dispose of or transfer the equipment the costs of such disposal or transfer are allowable.

(7) Equipment and other capital expenditures are unallowable as indirect costs. See § 200.436.

- Copies of Title or rental and insurance paperwork.
- Plans for Maintenance of Operations.
- Relevant RFP and or solicitation documents.
- Copies of relevant contracts showing wage agreements.
- Prior Written Approval paperwork (emails, other grants with approval, approved application).
- Copies of input from engineers, architects, or other professionals specifying compliance with requirements listed.
- Written statements from contractors and accompanying documentation to demonstrate prevailing wages have been researched and compiled with when paying contractors and subcontractors (e.g., payment ledgers of wages paid and a copy of the prevailing wage scale for the area).
- Copy of local procurement policies and documentation showing compliance.
- Description of the LEA's process for ensuring compliance with statutory and regulatory requirements of using ESSER funds for construction purposes.
- Any local written policies or protocol documents that summarize the LEA's process for ensuring compliance with statutory and regulatory requirements of using ESSER funds for construction purposes.

Title I, Part A Requirements

FR 1.1 Title I, Part A Supplement, Not Supplant

SEC. 1114. [20 U.S.C. 6314] SCHOOLWIDE PROGRAMS.

(a) IN GENERAL. —

(2) IDENTIFICATION OF STUDENTS NOT REQUIRED. —

(B) SUPPLEMENTAL FUNDS. —In accordance with the method of determination described in section 1118(b)(2), a school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and English learners.

SEC. 1118. [20 U.S.C. 6321] FISCAL REQUIREMENTS.

(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON- FEDERAL FUNDS. —

(1) IN GENERAL. —A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from State and local sources for the education of students participating in programs assisted under this part, and not to supplant such funds.

(2) COMPLIANCE. —To demonstrate compliance with paragraph (1), a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part.

ESEA Sec. 1114(a)(2)(B), 1118(b)(1-2)

Demonstration of Compliance

- ☐ LEA demonstrates a methodology to allocate State and local (non-Federal) funds to each school receiving Title I assistance that ensures that it is receiving the same amount it would have regardless of whether the school received Title I assistance.
- ☐ Allocations to the individual schools align with the LEA's SNS policies and procedures.

Examples of Evidence

- Supplement, Not Supplant Demonstration Form approved by CDE [CDE already has on file; no need to resubmit as part of monitoring, unless the methodology has changed since the most recent submission to CDE.]
 - The following examples are designed to show possible methodologies by which an LEA may comply with the Title I, Part A supplement not supplant requirement. Please note that these are only examples of a methodology that an LEA might use; an LEA may choose to use a methodology (or multiple methodologies) that do not follow one of these examples.
 - Allocation of State and Local Funds Based on Student Characteristics (Weighted Student Funding)
 - Allocation of State and Local Funds Based on Staffing and Supplies
- Sample of school budgets that include state, local and federal funds
The LEA must submit a new Supplement, Not Supplant Demonstration form if there are any significant changes to their SNS policy and procedures or upon request of CDE.

SEC. 1127. [20 U.S.C. 6339] CARRYOVER AND WAIVER.

(a) *LIMITATION ON CARRYOVER.*—Notwithstanding section 421(b) of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

(b) *WAIVER.*—A State educational agency may, once every 3 years, waive the percentage limitation in subsection (a) if—

(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

(2) supplemental appropriations for this subpart become available.

(c) *EXCLUSION.*—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than \$50,000 under this subpart for any fiscal year.

Demonstration of Compliance

- ☐ Annual Final Expenditure report reflects carryover not greater than 15% of the total Title I, Part A allocation.
- ☐ If carryover amount is greater than 15% after additional three months to spend down funds, the LEA has applied for and received a Carryover Waiver.
- ☐ The LEA has not received a Carryover waiver more than once every three years.

Examples of Evidence

- Final Expenditure Report
- Approved Carryover Waiver Request [CDE already has on file; no need to resubmit as part of monitoring]

SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS.

(b) PLAN PROVISIONS.—To ensure that all children receive a high-quality education, and to close the achievement gap between children meeting the challenging State academic standards and those children who are not meeting such standards, each local educational agency plan shall describe—

(4) the poverty criteria that will be used to select school attendance areas under section 1113;

SEC. 1113. [20 U.S.C. 6313] ELIGIBLE SCHOOL ATTENDANCE AREAS.

(a) DETERMINATION.—

(5) MEASURES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a local educational agency shall use the same measure of poverty, which measure shall be the number of children aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid Program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

(i) to identify eligible school attendance areas;

(ii) to determine the ranking of each area; and

(iii) to determine allocations under subsection (c).

(B) SECONDARY SCHOOLS.—For measuring the number of students in low-income families in secondary schools, the local educational agency shall use the same measure of poverty, which shall be—

(i) the measure described under subparagraph (A); or

Demonstration of Compliance

- ☐ Method of poverty selected in the Consolidated Application is consistently applied to all schools to determine which schools will be served.
- ☐ The LEA uses the same measure of poverty for all schools to determine Title I eligibility.

Examples of Evidence

- Written plans, procedures, protocols, or policies that describe practices used to select schools for Title I service, including the poverty measure(s) used.
- If an estimate for secondary or high schools is used, documentation of approval from secondary and high schools.
- The period of count used, if different than the October count

(ii) subject to meeting the conditions of subparagraph (C), an accurate estimate of the number of students in low-income families in a secondary school that is calculated by applying the average percentage of students in low-income families of the elementary school attendance areas as calculated under subparagraph (A) that feed into the secondary school to the number of students enrolled in such school.

(C) MEASURE OF POVERTY.—The local educational agency shall have the option to use the measure of poverty described in subparagraph (B)(ii) after—

(i) conducting outreach to secondary schools within such agency to inform such schools of the option to use such measure; and

(ii) a majority of such schools have approved the use of such measure.

(6) EXCEPTION.—This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

SEC. 1113. [20 U.S.C. 6313] ELIGIBLE SCHOOL ATTENDANCE AREAS.

(a) *DETERMINATION.*—

(3) *RANKING ORDER.*—

(A) *RANKING.*—*Except as provided in subparagraph (B), if funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—*

(i) annually rank, without regard to grade spans, such agency's eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and

(ii) serve such eligible school attendance areas in rank order.

(B) *EXCEPTION.*—*A local educational agency may lower the threshold in subparagraph (A)(i) to 50 percent for high schools served by such agency.*

Demonstration of Compliance

- ☐ All schools with poverty rates above 75% are served.
- ☐ High schools with poverty rates at or above 50% may be served.
- ☐ Schools with higher poverty rates are served with equal or greater PPA than schools with lower poverty rates.
- ☐ The LEA serves only schools with poverty rates above 35% or with poverty rates above the district average; or for each grade span, the LEA serves only schools with poverty rates above the grade span average.
- ☐ The methodology approved in the Consolidated Application is the methodology that was implemented.
- ☐ Budget system report or other documentation demonstrates that the amount allocated to each school aligns with the rank order from the Consolidated Application.

Examples of Evidence

- Approved Consolidated Application/LEA Plan [CDE already has on file; no need to resubmit any evidence as part of monitoring.]
- School-level End of Year summary and detailed budget system report or other documentation (excel file) from LEA/BOCES accounting system
- PPA calculation based on expenditure detail by school
- Written practices, protocols, or procedures document that describes how schools are served and how the LEA ensures that rank order is maintained during implementation
- Narrative statement describing the schools served and process for ensuring that rank order is maintained during implementation

Note: Districts with total enrollment less than 1,000 or with only one school per grade-span, may serve any school regardless of poverty rate.

SEC. 1113. [20 U.S.C. 6313] ELIGIBLE SCHOOL ATTENDANCE AREAS.

(c) ALLOCATIONS. —

(2) SPECIAL RULE. —

(A) IN GENERAL. —*Except as provided in subparagraph (B), the per-pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be at least 125 percent of the per-pupil amount of funds a local educational agency received for that year under the poverty criteria described by the local educational agency in the plan submitted under section 1112, except that this paragraph shall not apply to a local educational agency that only serves schools in which the percentage of such children is 35 percent or greater.*

Demonstration of Compliance

- ☐ Expenditure reports reflect that the LEA distributed at least 125% of the per-pupil allocation to all Title I schools.

Examples of Evidence

- PPA calculation based on LEA's detailed Expenditure reports at the school level.
- Consolidated Application [CDE already has on file; no need to resubmit as part of monitoring]

SEC. 1118. [20 U.S.C. 6321] FISCAL REQUIREMENTS.

(c) COMPARABILITY OF SERVICES. —

(1) IN GENERAL. —

(A) COMPARABLE SERVICES. —Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

(B) SUBSTANTIALLY COMPARABLE SERVICES. —If the local educational agency is serving all of such agency's schools under this part, such agency may receive funds under this part only if such agency will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

(C) BASIS. —A local educational agency may meet the requirements of subparagraphs (A) and (B) on a gradespan by grade-span basis or a school-by-school basis.

Demonstration of Compliance

- ❑ LEA provides State- and locally-funded services in schools receiving support under Title I, Part A that, taken as a whole, are at least comparable to services provided in schools that do not receive support under Title I, Part A.

Examples of Evidence

- LEA Expenditure detail reports to validate expenditures that demonstrate, validate, or align with the following:
 - CDE FTE Comparability Analysis that demonstrates comparability [CDE has on file; no need to resubmit as part of monitoring], or;
 - District submits the CDE Alternative Comparability Calculator based on PPA that demonstrates comparability [CDE has on file; no need to resubmit as part of monitoring.]
 - Comparability Action Plans

SEC. 1117. [20 U.S.C. 6320] PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) GENERAL REQUIREMENT.—

(4) EXPENDITURES.—

(A) DETERMINATION.—

(i) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

(ii) PROPORTIONAL SHARE.—The proportional share of funds shall be determined based on the total amount of funds received by the local educational agency under this part prior to any allowable expenditures or transfers by the local educational agency.

(c) ALLOCATION FOR EQUITABLE SERVICE TO PRIVATE SCHOOL STUDENTS.—

(1) CALCULATION.—A local educational agency shall have the final authority, consistent with this section, to calculate the number of children, ages 5 through 17, who are from low income families and attend private schools by—

(A) using the same measure of low income used to count public school children;

(B) using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable;

(C) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area; or

(D) using an equated measure of low income correlated with the measure of low income used to count public school children.

Demonstration of Compliance

- ☐ Each LEA must have a process that it follows for determining and distributing the proportionate share of federal funds to provide equitable services to non-public schools.

Examples of Evidence

- Documentation of data used to calculate the proportionate share in the Consolidated Application platform or ESSER I Application platform.
- The budget reflects the proportionate share using the Non-Public School Set Aside Funding Source
- A description of how the needs of the non-public schools discussed during the consultation process were used to distribute funds amongst participating non-public schools
 - for example: per-pupil amount, needs-based, specific requests from non-public schools
- Verification of addresses for students residing within Title I, Part A school boundary for both students attending non-public schools and public schools.
- Consultation forms [Please **only** submit any forms **not** previously submitted as part of the application for funds. CDE will automatically check any forms submitted as part of the application process.]

ASSISTANCE TO NON-PUBLIC SCHOOLS

SEC. 18005. (a) IN GENERAL.—A local educational agency receiving funds under sections 18002 or 18003 of this title shall provide equitable services in the same manner as provided under section 1117 of the ESEA of 1965 to students and teachers in non-public schools, as determined in consultation with representatives of non-public schools.

ESSER II/ARP ESSER III

Not Applicable

Title I, Part D Requirements

FR 1.8 Title I, Part D Supplement Not Supplant	ESEA Sec. 1415(b)
<p>SEC. 1415. [20 U.S.C. 6435] USE OF FUNDS.</p> <p><i>(b) SUPPLEMENT, NOT SUPPLANT.—A program under this subpart that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1118 (as applied to this part) without regard to the subject areas in which instruction is given during those hours.</i></p>	<p>Demonstration of Compliance</p> <ul style="list-style-type: none">❑ State Agency demonstrates that students are enrolled in an educational program of:<ul style="list-style-type: none">○ greater than 20 hours per week in an educational program in institutions for neglected and delinquent children and youth or community day programs; or○ greater than 15 hours per week in an adult correctional institution with Title I, Part D funds <p>Examples of Evidence</p> <ul style="list-style-type: none">■ Documentation of supplemental instructional program

SEC. 1418. [20 U.S.C. 6438] TRANSITION SERVICES.

(a) TRANSITION SERVICES.—Each State agency shall reserve not less than 15 percent and not more than 30 percent of the amount such agency receives under this subpart for any fiscal year to support—

(1) projects that facilitate the transition of children and youth between State-operated institutions, or institutions in the State operated by the Secretary of the Interior, and schools served by local educational agencies or schools operated or funded by the Bureau of Indian Education; or
(2) the successful reentry of youth offenders, who are age 20 or younger and have received a regular high school diploma or its recognized equivalent, into postsecondary education, or career and technical training programs, through strategies designed to expose the youth to, and prepare the youth for, postsecondary education, or career and technical training programs, such as—

(A) preplacement programs that allow adjudicated or incarcerated youth to audit or attend courses on college, university, or community college campuses, or through programs provided in institutional settings;
(B) worksite schools, in which institutions of higher education and private or public employers partner to create programs to help students make a successful transition to postsecondary education and employment; and
(C) essential support services to ensure the success of the youth, such as—
(i) personal, career and technical, and academic, counseling;
(ii) placement services designed to place the youth in a university, college, or junior college program;
(iii) information concerning, and assistance in obtaining, available student financial aid;
(iv) counseling services; and
(v) job placement services.

Demonstration of Compliance

- ☐ State agency reserves 15-30% of the current year allocation for transition services.
- ☐ Funds expended and activities implemented match the application for funds as approved by CDE.

Examples of Evidence

- Expenditure detail reports that demonstrate the use of funds for allowable activities described in the application for funds submitted to and approved by CDE.

Title III, Part A Requirements

FR 3.1 Title III, Part A Direct Administrative Costs	ESEA Sec. 3115(b)
<p>SEC. 3115. [20 U.S.C. 6825] SUBGRANTS TO ELIGIBLE ENTITIES. <i>(b) DIRECT ADMINISTRATIVE EXPENSES.—Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the cost of administering this subpart.</i></p>	<p>Demonstration of Compliance</p> <ul style="list-style-type: none"><input type="checkbox"/> LEA Final Expenditure reports reflect 2% or less of total Title III, Part A allocation used for direct administrative costs. <p>Examples of Evidence</p> <ul style="list-style-type: none">■ Consolidated Application budget summary [CDE has on file; no need to resubmit as part of monitoring.]■ LEA Expenditure detail reports reflect 2% or less of total Title III, Part A allocation used for direct administrative costs

SEC. 3115. [20 U.S.C. 6825] SUBGRANTS TO ELIGIBLE ENTITIES.

(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.

Demonstration of Compliance

- ☐ ELD program budget, including all funding sources, demonstrates state and local funds are used to provide core instruction and that Title III, Part A funds are used in addition to what is provided with the general fund.
- ☐ Activities presented in Consolidated Application demonstrate that services, staff, programs, or materials for English learners and immigrant children/youth supplement the core programming for these students.
- ☐ Title III staff are not being used to meet local (HR, district, school, board) procedures or policies regarding student/teacher ratios.
- ☐ Evidence that LEA meets Title VI of the Civil Rights Act, including but not limited to, compliance with OCR resolution agreements or DOJ consent decrees.
- ☐ The core ELD instructional program provided to English Learners is paid for with State and local funds in order to meet Castañeda/Lau requirements.

Examples of Evidence

- LEA Expenditure detail reports, including all funding sources, demonstrate state and local funds are used to provide core instruction and that Title III, Part A funds are used in addition to what is provided with the general fund
- Consent decrees, if applicable
- Resolution agreements, if applicable

Title IV, Part A Requirements

FR 4.1 Title IV, Part A Direct Administrative Costs

ESEA Sec. 4105(c)

SEC. 4105. [20 U.S.C. 7115] ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

(c) ADMINISTRATIVE COSTS.—Of the amount received under subsection (a)(2), a local educational agency may reserve not more than 2 percent for the direct administrative costs of carrying out the local educational agency's responsibilities under this subpart.

Demonstration of Compliance

- ☐ The LEA/Consortia budget expenditures show no more than 2% allocated to direct administrative costs.

Examples of Evidence

- Consolidated Application budget summary [CDE has on file; no need to resubmit as part of monitoring]
- LEA expenditure detail reports show no more than 2% in direct administration costs

SEC. 4106. [20 U.S.C. 7116] LOCAL EDUCATIONAL AGENCY APPLICATIONS.

(e) CONTENTS OF LOCAL APPLICATION.—Each application submitted under this section by a local educational agency, or a consortium of such agencies, shall include the following:

(2) ASSURANCES.—Each application shall include assurances that the local educational agency, or consortium of such agencies, will—

(C) use not less than 20 percent of funds received under this subpart to support one or more of the activities authorized under section 4107;

(D) use not less than 20 percent of funds received under this subpart to support one or more activities authorized under section 4108;

(E) use a portion of funds received under this subpart to support one or more activities authorized under section 4109(a), including an assurance that the local educational agency, or consortium of local educational agencies, will comply with section 4109(b); and

(F) annually report to the State for inclusion in the report described in section 4104(a)(2) how funds are being used under this subpart to meet the requirements of subparagraphs (C) through (E).

(f) SPECIAL RULE.—Any local educational agency receiving an allocation under section 4105(a)(1) in an amount less than \$30,000 shall be required to provide only one of the assurances described in subparagraphs (C), (D), and (E) of subsection (e)(2).

SEC. 4109. [20 U.S.C. 7119] ACTIVITIES TO SUPPORT THE EFFECTIVE USE OF TECHNOLOGY.

(b) SPECIAL RULE.—A local educational agency, or consortium of such agencies, shall not use more than 15 percent of funds for purchasing technology infrastructure as described in subsection (a)(2)(B), which shall include technology infrastructure purchased for the activities under subsection (a)(4)(A).

Demonstration of Compliance

- ☐ An LEA receiving an allocation of greater than \$30,000 must demonstrate that Title IV-A expenditures meet the content-area distribution requirements.
- ☐ The LEA must annually report expenditures by content area.

Examples of Evidence

- LEA Budget Summary
- LEA Set Aside Summary within the Consolidated Application [CDE has on file; no need to resubmit as part of monitoring]
- Expenditure reports demonstrate allocation of funds to each content area
- Annual Financial Report [CDE has on file; no need to resubmit as part of monitoring]

Title V, Part B Requirements

FR 5.1 Title V, Part B Supplement, Not Supplant	ESEA Sec. 5232
<p>SEC. 5232. [20 U.S.C. 7355a] SUPPLEMENT, NOT SUPPLANT <i>Funds made available under subpart 1 or subpart 2 shall be used to supplement, and not supplant, any other Federal, State, or local education funds.</i></p> <p><i>Subpart 1—Small, Rural School Achievement Program</i> <i>Subpart 2—Rural and Low-Income School Program</i></p>	<p>Demonstration of Compliance</p> <ul style="list-style-type: none"><input type="checkbox"/> LEA did not use Title V, Part B funds to pay for activities or supplies that were previously paid for out of state and local funds, except in cases where LEA can demonstrate precipitous decline in local resources. <p>Examples of Evidence</p> <ul style="list-style-type: none">■ LEA Expenditure Detail report for Federal funds■ General Fund ledger

References

The following links were used for the Statutory References:

- ❖ [ESEA](https://www2.ed.gov/documents/essa-act-of-1965.pdf): <https://www2.ed.gov/documents/essa-act-of-1965.pdf>
- ❖ [General Education Provisions Act \(GEPA\)](https://www.govinfo.gov/content/pkg/COMPS-732/pdf/COMPS-732.pdf): <https://www.govinfo.gov/content/pkg/COMPS-732/pdf/COMPS-732.pdf>
- ❖ [CARES Act \(ESSER I\)](https://www.congress.gov/116/bills/hr748/BILLS-116hr748enr.pdf): <https://www.congress.gov/116/bills/hr748/BILLS-116hr748enr.pdf>
- ❖ [CRRSA ESSER II](https://www.congress.gov/116/plaws/publ260/PLAW-116publ260.pdf): <https://www.congress.gov/116/plaws/publ260/PLAW-116publ260.pdf>
- ❖ [ARP ESSER III](https://www.congress.gov/117/plaws/publ2/PLAW-117publ2.pdf): <https://www.congress.gov/117/plaws/publ2/PLAW-117publ2.pdf>
- ❖ [Interim Final Rule](https://www.govinfo.gov/content/pkg/FR-2021-04-22/pdf/2021-08359.pdf): <https://www.govinfo.gov/content/pkg/FR-2021-04-22/pdf/2021-08359.pdf>
- ❖ [McKinney-Vento Homeless Assistance Act](https://nche.ed.gov/wp-content/uploads/2020/02/NewMV2015clean.pdf): <https://nche.ed.gov/wp-content/uploads/2020/02/NewMV2015clean.pdf>
- ❖ [PART 200 - UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200): <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>
- ❖ [34 CFR Part 75 – DIRECT GRANT PROGRAMS](https://www.ecfr.gov/current/title-34/subtitle-A/part-75): <https://www.ecfr.gov/current/title-34/subtitle-A/part-75>
- ❖ [34 CFR Part 76 – STATE-ADMINISTERED PROGRAMS](https://www.ecfr.gov/current/title-34/part-76): <https://www.ecfr.gov/current/title-34/part-76>
- ❖ [34 CFR Part 200 - TITLE I - IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-II/part-200): <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-II/part-200>