



**New Mexico Unified Application
Federal Program Guidance
2025-2026**

Note: This guidance is only relevant for LEAs participating in the Unified Application pilot for the 2025-2026 school year.

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Title I Part A

Grant Purpose

The purpose of Title I Part A, Improving Basic Programs Operated by Local Educational Agencies (LEAs), is to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.

Title I allocations are based on U.S. Census Data as well as state Per-Pupil Expenditure (SPPE) data. The U.S. Department of Education (ED) calculates the district allocations for each State. The State then derives the formula counts for state charter schools.

Grant Compliance Requirements

According to ESEA, as amended, section 1113(c)(1) a local educational agency (LEA) shall allocate funds received under Title I Part A to eligible school attendance areas or eligible schools, identified under sections 1113(a) and (b), in rank order, on the basis of the total number of children from low-income families in each area or school.

There are two main factors that determine the amount of funds a district can allocate to its schools—

1. The size of the LEA allocation including any transfers from Title II Part A or Title IV Part A into Title I
2. LEA required and authorized reservations

Required Reservations/Set-Asides

Before allocating funds to its schools, an LEA must reserve funds as are reasonable and necessary for the following activities—

a. Equitable Services for Eligible Private School Children

An LEA that receives Title I funds must determine the proportional share of those funds available to provide Title I equitable services. This must occur prior to any allowable expenditures or transfers. The LEA will then apply the calculated proportion to its entire Title I allocation including transfers from Title II Part A and Title IV Part A. From the proportional share for equitable services, the LEA must reserve at least one (1) percent (if the LEA's total Title I allocation exceeds \$500,000) to provide engagement activities for parents and families of participating private school children. [ESEA, as amended, section 1117(a); 34 Code of Federal Regulations (CFR) 200.64]

b. Parent and Family Engagement

An LEA with a total allocation that exceeds \$500,000 must reserve at least one (1) percent of the allocation to carry out parent and family engagement activities under ESEA, as amended, section 1116, including reserving at least one (1) percent of the proportional share for equitable services in order to provide equitable services to parents and families of participating private school students. Please note, of the remaining parent and family engagement set-aside, after determining equitable

services for parents and families of private school students, the LEA must distribute at least 90 percent to its Title I schools, giving priority to high-need schools. [ESEA, as amended, section 1116(a)(3)].

If an LEA has an allocation that is \$500,000 or less, it may but is not required to set aside Title I funds for parent and family engagement. Please note that Title I schools must carry out parent and family engagement activities under ESEA, as amended, section 1116 regardless of any set-aside of funds.

c. Homeless Children and Youths

An LEA is required to reserve Title I funds to provide services to homeless children and youth in Title I and non-Title I schools that are comparable to those provided to children in Title I schools. The amount of funds reserved may be based on a needs assessment of homeless children and youths in the LEA, taking into consideration the number and needs of those children, which may be the same needs assessment as conducted under section 723(b)(1) of the McKinney-Vento Homeless Assistance Act. The share of funds for this reservation must be made from the total Title I Part A allocation received by the LEA prior to any expenditures or transfers by the LEA.

The set-aside funds may be used to provide homeless children and youths with services not ordinarily provided to other students under Title I Part A, including the following:

- Funding for the liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act
- Transportation pursuant to section 722(g)(1)(J)(iii) of McKinney-Vento Homeless Assistance Act
[ESEA, as amended, section 1113(c)(3)(A)]

d. Children in Local Institutions for Neglected Children

The share of funds for this reservation must be made from the total Title I Part A allocation received by the LEA prior to any expenditures or transfers by the LEA.

Authorized Reservations/Set-Asides

- a. Children in Local Institutions for Delinquent Children and Neglected or Delinquent Children in Community Day Programs [ESEA, as amended, section 1113(c)(3)(A)(iii)]
- b. Financial incentives and rewards to teachers who serve students in Title I schools identified for comprehensive support and improvement or implementing targeted support and improvement plans under ESEA, as amended, section 1111(d) for the purpose of attracting and retaining qualified and effective teachers, in an amount that does not exceed five percent of the LEA's total Title I allocation [ESEA, as amended, section 1113(c)(4)]
- c. Transportation for School Choice: An LEA may spend not more than 5 percent of its Title I allocation for the provision of transportation for students enrolled in a school identified for comprehensive support and improvement under ESEA, as amended, section 1111(c)(4)(D)(i) who opt to transfer to another public school.
- d. Direct administrative costs to administer programs for public school children under Title I Part A including the option of paying for variations in personnel costs, such as seniority pay differentials or fringe benefit differentials, as LEA-wide administrative costs, rather than as part of the funds allocated to schools. Please note that 2 CFR § 200.405 requires that charges to federal awards be allocated "in accordance with the relative benefits received". Thus, when considering the cost of an administrative position proposed to be funded under Title I Part A, the following questions need to be considered:
 - Is the cost of the position necessary and reasonable for the performance of the Federal award (in this case Title I Part A), and allocable thereto, please see 2 CFR 200.403.

- Is the activity incurred specifically for the purpose of Title I, Part A?
 - If the cost benefits more than Title I, Part A, is the cost distributed in proportions that may be approximated using reasonable methods?
- e. Conduct other authorized activities, such as:
- early childhood education (preschool)
 - school improvement and coordinated services
- f. Professional Development and Instructional Programs (such as summer school) included in the LEA set-asides are only for activities specifically for Title I schools and eligible students.

For students in foster care, an LEA must 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. For further information on requirements for students in foster care, please see the ESEA, as amended, section 1112(c)(5)(B).

For further information on the Reservations/Set-Asides, please see the U.S. Department of Education’s [Within-District Allocations Under Title I, Part A of the Elementary and Secondary Education Act of 1965 as Amended](#) (February 2022) non-regulatory guidance.

Allocating Funds to Eligible Schools—Rank and Serve

Districts and state charter schools must follow the requirements in ESEA, as amended, section 1113 and 34 CFR § 200.78 for identifying Title I-eligible schools and allocating Title I funds to those schools. In general, Title I funds must be allocated to Title I-eligible schools in rank order based on the percentage of children from low-income families in each school. However, determining poverty counts and rank ordering schools is **not** required for the following:

- LEA that consists of only one school
 - LEA with an enrollment of less than 1,000 students
- The LEA may use other criteria to determine which of its schools receive Title I funds such as academic performance or grade span or it may choose to allocate Title I funds to all of its schools.

Please note that an LEA’s allocation per low-income child is the LEA’s total Title I allocation before any reservations for Homeless Children and Youths, Children in Local Institutions for Neglected Children, and Authorized Reservations divided by the number of public school and private school low-income children in the LEA as determined using the poverty measure(s) selected by the LEA, in consultation with private schools.

In Step 0A, the LEA will input the low-income students residing in the participating LEA’s public school attendance area. To get started, please use an estimated low-income student count for the Public School Students. This allows for moving through Step 0. Later, in Step 3 after choosing the poverty metric the number of low-income students is shown and is used for Step 0. The Private School Student count in Step 0A will transfer from the ESEA Private School Enrollment section of the UA.

Determining School Poverty Counts and Ranking

To determine the number of public-school children from low-income families, ESEA, as amended, section 1113(a)(5)(A) provides an LEA several options for poverty measures.

- Eligible for free or reduced-priced lunch (FRPL) under the Richard B. Russell National School Lunch Act including children counted through the Community Eligibility

Provision (CEP) which includes the following options:

- **Option A:** Apply the 1.6 multiplier to the number of students identified by direct certification in a Community Eligibility Provision (CEP) school and use the free and reduced-price meal data for non-CEP schools
- **Option B:** Use the number of students directly certified in both CEP and non-CEP schools
- **Option C:** Apply the 1.6 multiplier to the number of students directly certified in both CEP and non-CEP schools.

- In families receiving assistance under the State program funded under Title IV, Part A of the Social Security Act (Temporary Assistance for Needy Families)
 - **Option D:** SNAP

- Eligible to receive medical assistance under the Medicaid program
 - **Option E:** Medicaid - Reduced Direct Cert Eligibility and Medicaid - Free Direct Cert Eligibility

- Ages 5-17 in poverty as counted in the most recent LEA-level census poverty data approved by the U.S. Department of Education. Please note, since census data are generally not available at the school level, if an LEA uses this measure, it would most likely be part of a composite with one or more of the above measures.
 - **Option F**

- Counted by the LEA using a composite of any of the above measures.
 - Option F

Year of Data

Most recently available data is used which would be from the previous school year in most cases. Thus, for example, for the 2025-26 application the previous year is 2024-25. Thus, 2024-25 Nova 80th day data will be used. The exception for the data year is a newly opened or significantly expanded locally authorized charter school. ESEA, as amended, in section 4306 and 34 C.F.R. part 76, subpart H provide an exception for a charter school that newly opens or significantly expands its enrollment by November 1 of the current school year and provides written notice to its LEA pursuant to 34 C.F.R. § 76.788(a) at least 120 days in advance of the opening or expansion. Specifically, the LEA must determine such a school's Title I allocation based on current year data and provide the school its allocation within five months of the school's opening or expansion. In our previous data example for the 2025-26 application for a newly opened locally authorized charter school or significantly expanded charter school, 2025-26 data must be used.

Determining School Poverty Counts and Ranking: Option for Secondary Schools

To determine the number of public-school children from low-income families in a secondary school, ESEA, as amended, section 1113(a)(5)(B) and 34 CFR 200.78(a)(2) provide an LEA the option to use also a feeder pattern by applying the average percentage of public-school children from low-income families enrolled in the elementary schools that feed into one or more secondary schools to the number of children enrolled in the secondary school. An LEA may use poverty percentages from both the elementary and middle schools that feed into a high school or from just the middle schools to determine the number of public-school children from low-income families in the high school. And an LEA may use poverty percentages from elementary schools that feed into a middle school to determine the count of children from low-income families in the middle school.

Please note that before an LEA may use feeder patterns to determine the poverty percentage of secondary schools, the LEA must conduct outreach to its secondary schools to inform them of the option and a majority of its secondary schools must approve the use of feeder patterns. (ESEA section 1113(a)(5)(C))

Allocating Funds for Schools with Greater than 75 Percent Poverty

After a district has ranked all of its schools by percentage of poverty, it must first allocate, in rank order of poverty, Title I funds to the schools above 75 percent poverty; this includes any middle and high schools.

Option for High Schools

After serving all schools above 75 percent poverty, an LEA may choose to allocate funds to high schools with a poverty percent between 50 and 75 percent in rank order of poverty. If this option is implemented, it occurs before serving any other grade span.

Allocating Funds for Schools with 75 Percent or Less Poverty

After serving all its schools over 75 percent poverty, the district has the option to allocate Title I funds on 1) LEA-wide basis or 2) a grade span basis if funds remain. In doing so, the LEA may use its LEA (district)-wide percentage of poverty or the percentage of poverty of the relevant grade span(s). Please note that in either option, if a school with less than 35 percentage poverty is served the “125 percent rule” applies.

1) District-wide

Under sections 1113(a)(2)(B) and 1113(b)(1)(A) of the ESEA, a school is eligible for Title I funds if its poverty percentage is as high as the LEA’s poverty percentage or, at the LEA’s discretion, at least 35 percent.

2) Grade spans

An LEA may also choose which grade span(s) to serve and determine eligibility within grade spans. In doing so, the LEA may use its district-wide percentage of poverty or the percentage of poverty of the relevant grade span(s) (34 C.F.R. § 200.78(a)(3)). If an LEA uses grade spans and the poverty percentage for that grade span is above 35 percent, the LEA may also identify as eligible any school in the relevant grade span with a poverty percentage of at least 35 percent (ESEA section 1113(b)(1)(A)). A district that opts to serve schools at or below 75 percent poverty using grade span may determine different per-child amounts for different grade spans so long as those amounts do not exceed the amount allocated to any school above 75 percent poverty. Per-child amounts within grade spans may also vary as long as the per-child amounts in schools with higher poverty rates are equal to or greater than the per-child amounts in schools with lower poverty rates. A district may choose to fund more than one grade span or may choose not to fund an entire grade span. An LEA has discretion to establish a per-pupil amount for each school and that amount need not be the same per-pupil amount but must be consistent with the following requirements:

- “125 percent rule”: If an LEA serves any school below 35 percent poverty, the LEA is required to allocate an amount for each low-income child in each participating Title I school that is at least 125 percent of the LEA’s allocation per low-income child, except that the per-pupil amount for the served school with the lowest poverty rate may be less due to the amount of funds remaining [ESEA, as amended, section 1113(c)(2)(A)]
 - *An LEA’s allocation per low-income child is the LEA’s total Title I allocation before any reservations for Homeless Children and Youths, Children in Local Institutions for Neglected Children, and Authorized Reservations divided by the number of public school and private school low-income children in the LEA as determined using the poverty measure(s) selected by the LEA. The LEA then multiplies this per-pupil amount by 1.25 to determine the minimum amount per low-income child.*

Please see the [Within-District Allocations Under Title I, Part A of the ESEA of 1965, as Amended; Non-Regulatory Guidance, 2022](#) for further detailed information.

Additional Allocation Flexibility

- An LEA may allocate Title I funds to a school that is no longer eligible but was eligible and served in the preceding year. This provision applies to a *newly ineligible* school and not to an eligible school that has fallen in the poverty ranking compared to the previous year’s ranking and does not receive a Title I allocation from its LEA because the LEA allocates its Title I funds to other eligible schools with higher poverty percentages. Please note, if the LEA’s general rule is to serve schools at or above 35 percent poverty, and it grandfathered-in a school that is *newly ineligible* for one year, the 125 percent rule is not triggered.
- ESEA, as amended, section 1113(b)(1)(D) allows for an exception to the rank and serve as follows: An LEA may also elect to not to serve, i.e. to skip, an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—
 - (i) The school meets the comparability requirements in ESEA, as amended, section 1118(c); and
 - (ii) The school receives supplemental funds from State or local sources that it spends according to the requirements in ESEA sections 1114 or 1115 on programs that meet the intent and purposes of Title I (see 34 C.F.R. § 200.79(c)); and
 - (iii) The supplemental funds the school spends from other sources equal or exceed the amount it would receive under Title I.

[Within-District Allocations Under Title I, Part A of the ESEA of 1965, as Amended; Non-Regulatory Guidance, 2022]

Grant-specific Guidance, Including Allowability

Title I Part A Program Models

An LEA and its eligible schools will choose one of the two Title I program models for serving students in the eligible Title I schools

- Schoolwide Program
- Targeted Assistance School Program

Schoolwide Programs

A Title I schoolwide program is a comprehensive reform strategy designed to upgrade the entire educational program in a Title I school to improve the achievement of the lowest-achieving students. (ESEA, as amended, Section 1114(a)(1)). A school with 40 percent or more of its students from low-income families may operate a schoolwide program.

Waiver for Schoolwide Program

As an exception, a school that serves an eligible school attendance area in which less than 40 percent of the children are from low-income families or a school for which less than 40 percent of the children enrolled in the school are from such families may operate a schoolwide program if the school receives a waiver from the New Mexico Public Education Department’s (NMPED) Student, School, and Family Support (SSFS) Bureau. This waiver is requested through the Unified Application submitted to NMPED annually. The waiver request would include a description of how a schoolwide program will best serve the needs of the students in the school in improving academic achievement and other factors.

Implementing a Schoolwide Program

A school implementing a schoolwide program must have a schoolwide program plan. This plan is developed with the involvement of—

- parents and other members of the community

- school staff who will carry out the program including the principal, other school administrators, teachers, educational assistants, instructional support providers, etc.
- district staff
- Tribes (if applicable)

The schoolwide program plan must be—

- made available to the district, parents, and the public, and
- be in an understandable format and, to the extent practicable, provided in a language that the parents can understand.

There are three required components to a schoolwide program plan—

1. Comprehensive Needs Assessment

The schoolwide program plan must be based on a comprehensive needs assessment of the entire school that takes into account information on the academic achievement of students in relation to the challenging State academic standards, particularly the needs of students who are failing or are at risk of failing, to meet the challenging State academic standards and any other factors as determined by the district (example, MLSS-self-assessment with added questions from the [equity council readiness assessment](#) that pertain specifically to student groups)

2. Preparing a comprehensive schoolwide plan

The schoolwide program plan describes how the school will improve academic achievement throughout the school, particularly for the lowest-achieving students, by addressing the needs identified in the comprehensive needs assessment. The plan includes strategies to be implemented that address school needs such as methods that strengthen the academic program, provide for an enriched and accelerated curriculum, increase the amount and quality of learning time, and include programs and courses for a well-rounded education. This includes providing opportunities for all students including all student groups as well as addressing the needs of all students, particularly the needs of students at risk of not meeting State standards. Please see ESEA, as amended, Sec. 1114(b)(7). To ensure that the plan results in progress toward addressing the needs of the school, the plan should include benchmarks for the evaluation of program results. This plan may be integrated into an existing improvement plan (Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program Non-Regulatory Guidance, 2016)

3. Annual evaluation of the schoolwide program plan

A schoolwide program plan is reviewed annually using data from State assessments and other indicators of academic achievement (34 CFR 200.26(c)(1)) to determine if the program has been effective in addressing the major problem areas and increasing student achievement, particularly for the lowest-achieving students. A school must annually revise the plan, as necessary, based on student needs and the annual evaluation results to ensure continuous improvement (34 CFR 200.26(c)(3))

Preschool Program

A school with a schoolwide program can also use Title I funding to establish or enhance a preschool program for children under 6 years of age. Title I funds can be used for preschool activities if the preschool activities support the needs of students in the school as identified through the comprehensive needs assessment and as articulated in the schoolwide plan. Since in a schoolwide program all students are eligible to be served under Title I the same applies to a schoolwide program that operates a preschool program. In

such a case Title I funds can be used to serve all preschool children who participate in that program. For further information, please see the [Serving Preschool Children Through Title I, Part A Non-Regulatory Guidance](#).

Delivery of Services

The services in a schoolwide program may be delivered by non-profit or for-profit external providers that have expertise in using evidence-based or effective strategies to improve student achievement.

Operation of Dual and Concurrent Enrollment Programs

A schoolwide program in a secondary school can use Title I funding for a dual or concurrent enrollment program that addresses the needs of students not achieving at high levels or at risk of not meeting State standards. Title I funding can be used for any of the costs associated with the program. Such costs include—

- training for teachers, and joint professional development for teachers in collaboration with career and technical educators and educators from institutions of higher education, where appropriate, to integrate rigorous academics in such program
- tuition and fees
- books
- instructional materials for the program
- innovative delivery methods
- transportation to and from the program

Targeted Assistance Schools Program

For schools that do not meet the criteria for a Title I schoolwide program and do not have a waiver to operate such a program, or that do not choose to operate a schoolwide program, a district may use Title I funding to provide programs that provide services for eligible students. Please see below for further information on the eligible population and eligible students.

Eligible Population

The eligible population for targeted assistance services are students

- 1) not older than age 21 who are entitled to a free public education through grade 12, and
- 2) who are not yet at a grade level at which the district provides free public education.

Eligible Students from Eligible Population

Eligible students are students from the eligible population who are identified by the school as failing or most at risk of failing to meet the State academic standards on the basis of multiple, educationally related, objective criteria established by the district and supplemented by the school. However, students from preschool through grade 2 must be selected solely based on criteria, including objective criteria, established by the district and supplemented by the school.

It is important to note that economically disadvantaged students, students with disabilities, migrant students, or English Learner students are eligible for services under a targeted assistance program on the same basis as other students selected for receiving services are.

However, the following students are considered at risk of failing to meet state standards and are thus eligible for targeted assistance services by virtue of their status.

- Students who participated in a Head Start program, the literacy program under subpart 2 of part B of Title II, or in a Title I supported preschool at any time in the two preceding years
- Migrant students who received services under Part C of Title I at any time in the two preceding years

- Students in a local institution for neglected or delinquent children and youth or attending a community day program
- Students attending any school in the LEA who are experiencing homelessness

Please note that Title I targeted assistance program funds may not be used to provide services that are required by law to be made available for the student groups discussed above. However, Title I targeted assistance program funds can be used to supplement or coordinate such services.

Program Requirements

Targeted Assistance Programs must (ESEA, as amended, section 1115(b)):

1. determine which students will be served
2. serve participating students identified as eligible, including by
 - a) using resources under this part to help eligible students 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 Title I, Part A 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
 - e) implementing strategies to increase the involvement of parents of eligible children in accordance with ESEA, as amended, section 1116
 - 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 ESEA, as amended, section 1111(d)
 - g) provide to the local educational agency assurances that the school will—
 - (i) help provide an accelerated, high-quality curriculum;
 - (ii) minimize the removal of children from the regular classroom during regular school hours for instruction provided under this part; and

(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.

As a funding source of last resort, Targeted Assistance program funds may be used to provide basic medical equipment (such as eyeglasses and hearing aids), to pay for a service coordinator, to provide family support and engagement services, integrated student supports, and for professional development in meeting the comprehensive needs of eligible children.

Delivery of Services

The services of a targeted assistance program may be delivered by non-profit or for-profit external providers that have expertise in using evidence-based or effective strategies to improve student achievement.

Operation of Dual and Concurrent Enrollment Programs

A secondary school operating a targeted assistance program may use Title I funds for a dual or concurrent enrollment program to eligible students identified as having the greatest need for special assistance. Title I funding can be used for any of the costs associated with the program. Such costs include—

- training for teachers, and joint professional development for teachers in collaboration with career and technical educators and educators from institutions of higher education, where appropriate to integrate rigorous academics in such program
- tuition and fees
- books
- instructional materials for the program
- innovative delivery methods
- transportation to and from the program

Integration of Professional Development

Per ESEA, as amended, section 1115(d) in order to promote the integration of staff supported by Title I funds into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with Title I funds under may— (1) participate in general professional development and school planning activities; and (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.

Guidance on Costs

When determining if an activity or proposed expenditure meets the requirements of Title I, Part A, please consider some of the following questions:

Does the cost meet all allowability requirements under 2 CFR 200.403?

- Is the cost necessary and reasonable for the performance of the Federal award, and allocable thereto?
- Does the cost conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items?
- Is the cost consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the non-Federal entity?
- Is the cost accorded consistent treatment as either direct or indirect?
- Is the cost determined to be in accordance with generally accepted accounting principles (GAAP)?

- Costs cannot be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period. Is the cost being used this way?
- Is the cost adequately documented?
- Is the cost being incurred during the approved budget period?

Is the proposed expenditure or activity allocable?

Is the activity incurred specifically for the purpose of Title I, Part A? If the cost benefits more than Title I, Part A, is the cost distributed in proportions that may be approximated using reasonable methods?

- 2 CFR § 200.405 requires that charges to federal awards be allocated “in accordance with the relative benefits received.”

Is the cost reasonable?

- Is the nature and amount of the cost such that a prudent person under the circumstances prevailing at the time the decision was made would incur? [2 CFR 200.404]?
- Is the cost reasonable as compared to fair market prices for similar and comparable goods or services?
- Are all applicable purchasing or procurement codes followed?

Is the cost necessary?

- Is the activity or expenditure meeting a need(s) identified in the comprehensive needs assessment that guides the schoolwide program plan?
- Is the cost necessary for operating an efficient Title I Program that produces results and improves student achievement?
- If the cost is intended to support educators, do they have the knowledge and the time to implement what is proposed to be purchased?
- Does the program have the capacity to implement the activity?

Is the cost an allowable use of funds under the requirements in Title I, Part A?

Below are some guiding questions on potential allowable activities for Schoolwide Programs and Targeted Assistance School Programs. This allows for some further comparison of the two program models.

Schoolwide program [ESEA, as amended, Sec. 1114]:

In schoolwide programs, funds may be used to upgrade the entire educational program in a school, and all students in the school may benefit from the use of Title I, Part A funds.

- Will the proposed activity or expenditure improve academic achievement across the entire school, especially for students not achieving State standards?
- Is the proposed activity based on the current and comprehensive needs assessment that informs the schoolwide program plan?
- Is the proposed activity included in the schoolwide program plan?
- If external providers are used, do they have expertise in using evidence-based strategies to improve student achievement?

Targeted Assistance Program [ESEA, as amended, Sec. 1115]:

In Targeted Assistance Schools, funds may only be used to meet the needs of children identified as being in the greatest need of services.

- Is the cost supporting students in the eligible population who are failing or most at risk of failing to meet the challenging State academic standards based on multiple, educationally related, objective criteria?

- Is the activity or expenditure focused on improving academic achievement for students identified for services?
- Is the activity or proposed expenditure assisting preschool children in the transition from early childhood education programs or increasing the involvement of parents of eligible students?
- If external providers are used, do they have expertise in using evidence-based strategies to improve student achievement?

For further guidance on costs, please see [here](#).

Program-specific Timelines

Comparability Reporting

An LEA that receives a Title I Part A allocation must complete its Comparability Reporting annually which typically opens early October and is due December 1st. This reporting is required under ESEA, as amended, section 1118(c).

Single Audit Requirement

Per 2 CFR 200.501 a non-Federal entity (i.e. LEA) that expends \$1,000,000 or more in Federal awards during the non-Federal entity's fiscal year must have a single audit conducted in accordance with 2 CFR 200.514.

Monitoring

LEAs participating in Title I Part A are monitored in a 5-year cycle via SharePoint through a self-assessment and evidence submission. For further information, please see the SSFS Bureau's Title I Part A website at [Title I – Part A – New Mexico Public Education Department](#) .

Contact Information

Program questions:

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Technical Application Questions:

PED Help Desk

Title III & Title I-C

Grant Purpose

Title III

The purpose of a Title III subgrant is to ensure that EL students develop ELP and meet the same academic content and academic achievement standards required of all students. Schools must use Title III funds to implement language instruction educational programs (LIEPs) designed to help EL students achieve these standards.

Title III subgrants are meant to support local education agencies (LEAs) in assisting EL students learn English and meet challenging state academic content and achievement standards. In carrying out activities with Title III funds, the LEA must use effective approaches and methodologies for teaching EL students. There are four (4) purposes of Title III under ESEA as amended by ESSA, Sec. 3115 (a). Title III subgrants are meant to:

1. Develop and implement new LIEPs and academic content instructional programs for EL students.
2. Carry out highly focused, innovative, locally designed activities to expand or enhance existing LIEPs.
3. Implement school-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to LIEPs.
4. Implement, within the LEA, agency-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to LIEPs.

Title III Immigrant

Under Title III—Part A ELA, Language Enhancement, and Academic Achievement Act of the ESEA, as amended by the ESSA, federal subgrants are also awarded to eligible LEAs that both experience significant increases in immigrant children and youth enrollment and propose high-quality programming. The Immigrant subgrant is a competitive grant under Title III. Any immigrant children and youth may benefit from this subgrant, not just those who are ELs (immigrant children and youth may have a home language of English depending on the country of origin).

Title I Part C

Title I Part C is focused on the education of migratory children and programs are designed to provide supplementary education and support services to highly mobile children and youth up to and through age three to age twenty-one (3 years -21 years old). Eligibility for the MEP is determined by the lifestyle of the parents/guardian (i.e. moving across school district, county, or state boundaries for the purpose of seeking or obtaining temporary or seasonal work in agriculture or commercial fishing activities). Children must move with the parent/guardian (migratory worker) or join the parent/guardian within 12 months of a qualifying move. Children who are determined to be eligible may remain eligible for up to 36 months without another qualifying move.

Grant Compliance Requirements

Title III

Required Activities ESEA as amended by ESSA Section 3115 (c) of Title III requires that an LEA to use Title III supplemental funding for the following activities that:

1. Increase the ELP of EL students by providing effective language instruction educational programs that meet the needs of EL students and demonstrate success in increasing: a) ELP; and b) Student academic achievement.
2. Provide effective Professional Development (PD) to classroom teachers, 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 EL students. b) designed to enhance the ability to understand and implement curricula, assessment practices and measures, and instructional strategies for EL students. NMPED, Language and Culture Division | 9 c) effectively increase children’s ELP 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.
3. Provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for EL students, which shall include: a) parent, family, and community engagement activities; and b) may include strategies that serve to coordinate and align related programs. District and charter schools must use at least a portion of its Title III, Part A funds from each Federal fiscal year towards each of the three required activities specified in ESEA section 3115(c). For further effective PD, please see chapter 3 of the EL Toolkit ([English Learner Tool Kit \(OELA\) | U.S. Department of Education](#)) and the 2016 Title III PD Guidance memorandum ([Title III PD guidance memo_04.08.2016.pdf](#)).

Authorized Activities According to ESEA as amended by ESSA Sec. 3115 (d), Title III funds may be used for one or more of the following:

1. Upgrading program objectives and effective instructional strategies.
2. Improving the instructional program for EL students by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures.
3. Providing to EL students a) tutorials and academic or career and technical education for EL students; and b) intensified instruction—which can include materials in a language that a student can understand, interpreters, and translators.
4. Developing and implementing effective pre-school, elementary, or secondary school LIEPs that are coordinated with other relevant programs and services.
5. Improving the English proficiency and academic achievement of EL students.
6. Providing community participation programs, family literacy services, and parent and family outreach and training activities to EL students and their families to a) improve the English language skills of EL students; and b) assist parents in helping their children to improve their academic achievement and in becoming active participants in the education of their children.
7. Improving instruction of EL students, including EL students with disabilities, by providing for a) the acquisition or development of educational technology or instructional materials. b) access to, participation in, and electronic networks for materials, training, and communication; and c) the incorporation of resources described in subparagraphs 7(a) and (b) into curricula and programs such as those funded under this subpart.
8. Offering early college high school or dual or concurrent enrollment programs or courses designed to help ELs achieve success in postsecondary education.
9. Carrying out other activities that are consistent with the purposes of this section.

Title III Immigrant

The Title III Immigrant subgrant(s) are to be used for activities that provide for enhanced instructional opportunities for immigrant children and youth and may include the following: a) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children. 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. c) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth. d) identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with awarded funds. e) basic instruction 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. 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 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 I Part C

Title I Part C is focused on providing educational and support services that strengthen and enhance the development of the migratory child and the migratory family. The Migrant Education Program (MEP) focuses primarily on the educational needs of migratory children and attempts to alleviate barriers to successful educational achievement. The purpose of Title I Part C, MEP, is:

1. To assist States in supporting high-quality and comprehensive educational programs and services during the school year and, as applicable, during summer or intersession periods, that address the unique educational needs of migratory children.
2. To ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and challenging State academic standards.
3. To ensure that migratory children receive full and appropriate opportunities to meet the same challenging state academic standards that all children are expected to meet.
4. To help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school.
5. To help migratory children benefit from state and local systemic reforms.

Title I, Part C subgrants are district specific and must be used:

1. Service Delivery Plan: To meeting the goals set in ESEA, districts must provide services according to the New Mexico Service Delivery Plan (NM SDP) as defined in ESEA section 1306(a). Based on the Comprehensive Needs Assessment (CNA) conducted in 2018, the 2022 NM SDP describes strategies for achieving the performance targets and measurable objectives in the following as areas for school years 2022-2025:
 - a. ELA and Mathematics
 - b. School Readiness (Pre-school/Kinder readiness)

- c. High School Graduation and Services for OSY
 - d. Family and Support Services
2. Priority for Services: Each Local Operating Agencies (LOAs) participating in Title I Part C is required to maintain priority for services (PFS) data for each eligible migratory child at the LOA. The PFS data and determinations are intended to assist districts in determining which migratory children should receive services first as defined in ESEA section 1304 (d):
- a. In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who have made a qualifying move within the previous 1-year period and who—
 - (1) are failing, or most at risk of failing, to meet the challenging State academic standards; or
 - (2) have dropped out of school.

Grant-specific Guidance, Including Allowability

Title III and Title III Immigrant

Title III, section 3114(b) of the ESEA as amended by ESSA states, “a SEA shall not award a subgrant from an allocation made under the subsection (a) if the amount of such subgrant would be less than \$10,000.” An LEA that does not meet this requirement can form a Title III Consortium with another LEA. The Title III consortium chooses a fiscal agent, which can be one of the consortium members or a Regional Education Cooperative (REC). The combined generated funding of the Title III consortium must at least meet the required threshold of \$10,000. To form a Title III Consortium, participating districts, state charter schools, or REC, if applicable, complete a Title III Consortium Agreement. Each consortium member must also complete a Title III Local Plan. The Title III consortium’s fiscal agent is responsible for submitting the consortium’s Title III budget in OBMS.

Section 3115(g) of ESEA as amended by ESSA requires federal funds made available under Title III be used 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 ELs and immigrant children and youth and in no case to supplant such federal, state, and local public funds. The following four guiding questions will assist LEAs to determine whether proposed use of funds would be allowable:

- What is the instructional program/service provided to all students?
- What does the LEA do to meet *Lau v. Nichols* (1974)¹ requirements?
- What services is the LEA required by other federal, state, and local laws or regulations to provide?
- Was the program/service previously provided with state, local, and federal funds?

Please note, it is difficult to provide general guidelines on the supplement, not supplant requirement without examining the fact-specific details of a given situation. Please contact the LCD for clarification of the specific details of the LEAs situation. The LCD supports by reviewing requests prior to an LEA expending Title III funds for purchases or activities that have yet to be approved in the Title III Local Plan, Title III Preapproval, or Title III Local Plan Amendment Form. Preapproval is required prior to submitting a Request for Reimbursement (RfR).

Title I Part C

The Title I Part C Application is an annual plan that is completed typically in the spring. Local operating agencies (LOAs) are encouraged to complete and submit their application before the deadline, as they are reviewed in the order in which the LCD receives them. Any proposed activities that are not aligned to the federal law will require the LOA to complete necessary adjustments through an iterative process and resubmit for additional review and approval. Title I Part C Applications typically receive final approval in June if not sooner. The Title I Part C budget in the Operating Budget Management System (OBMS) is then aligned to the approved Title I Part C Application. The application must include:

- Previous history
 - o 1. What is the most recent date the district or state charter school conducted a needs assessment for migrant students? Please upload the copy in this section.
 - o 2. How often does the Parent Advisory Council (PAC) meet to provide input on the planning, implementation, and evaluation of the local migrant education program? Please upload a copy of the bylaws and all school year (SY) 2022-2023 meetings.
 - o 3. Did the district receive a Technical Assistance/Focused Monitoring visit from the NMPED MEP within the past 3 years?
- Service Delivery Plan (SDP) Goals
 - o Goal 1:
 - (1) What percentage of identified K-12 migratory students received supplemental ELA and math instruction during the regular year?
 - (2) What was the structure of services provided?
 - o Goal 2:
 - (1) How many migratory children ages 3-5 attended any early childhood education services during the regular term and summer?
 - (2) What programs did migratory children ages 3-5 attend?
 - o Goal 3:
 - (1) What is the district or state charter school doing to ensure that migratory students meet graduation credit requirements and credit accrual?
 - (2) What is the district or state charter school doing to ensure that migratory students meet demonstration of competency requirements?
 - (3) What is the percent of migrant students enrolled in Advanced Placement, Honors Courses, or Dual-Credit classes?
 - o Goal 4:
 - (1) What services did students and families report needing?
 - (2) What topics were addressed/discussed during family engagement trainings?
- Priority of Services
 - o Describe how the MEP is meeting the needs of migratory children who have Priority for Services.
- Activities and funding
 - o Activity, budget amount allocated, instructional service, support service, implementation strategy, number of students served, measurable program outcome and staff responsible

Title I Part C

Title I-C funds are provided to administer programs that will supplement the programs supported by general funds. Title I-C funds cannot be used to supplant or duplicate programs or activities funded with State, or local funds. Any services

provided by the district funded by State or local funds must also be provided without cost to migratory students. Use of Funds for Parent and Teacher Involvement – An LOA may use Title I-C funds to pay costs that are reasonable and necessary for the effective implementation of its plan for consultation with parents and teachers, including costs associated with meetings and other appropriate activities. Accountability for Equipment – The LOA must maintain a current inventory of any equipment, including computing devices purchased with Federal funds (2 CFR §200.33; 2 CFR §200.94; 2 CFR §200.20). A separate inventory must be maintained for these items purchased with migratory funds.

Program-specific Timelines

- Title III Intent to Apply for the next school year is Available – October
- Consortia memorandum of understanding need to be in place in March
- 40th Day Data Reporting - October
- 80th Day Data Reporting – December
- 120th Day Data Reporting - February

Grant Allocation Procedures

Title III

Title III is supplemental funding awarded to LEAs as subgrants. The subgrant amount is calculated using the average of the previous school year’s 80th and 120th day EL count as self-reported to NOVA. To qualify for a Title III subgrant, a district or state charter school must submit a Title III Local Plan within the Unified application to the LCD.

Title III Immigrant

According to ESEA as amended by ESSA, Title III, Sec. 3114 (d), the PED must make subgrants available to LEAs that have experienced a significant increase, as compared to the average of the two preceding fiscal years, in the percentage or number of immigrant children and youth enrolled during the fiscal year for which the subgrant is made. For information on reporting Immigrant students, please see Immigrant Indicator in the Student Template in the NOVA Manual. After the PED determines the significant increase threshold required for eligibility, only the LEAs that meet that threshold will be notified and invited to submit a Title III Immigrant application. All eligible LEAs (i.e., those that meet the state’s annual criteria) will be considered whether or not the LEA has previously received Title III Immigrant funding.

Title I Part C

The state education agency (SEA) provides a formula subgrant allocation to districts with identified migratory children and who have expressed interest in running a project. (Students identified in districts that are not running a project are counted for the district that runs a regional project in the state.) The formula accounts for the following four factors: number migratory students included in Category I, the needs of migratory students, the number of students with Priority for Services (PFS), and the availability of funds from other programs. The SEA uses quantitative data to generate a total number of points for each local operating agency. The amount of a subgrant is based on the amount of MEP funds the SEA sets aside for subgrants and the subgrantee’s share of those funds based on the proportion that its points are of the grand total of points generated by all eligible subgrantees. Points are calculated using the number of eligible students, the number of students with PFS, the relative proportion of students with needs, and the availability of funds from other

programs. The counts of eligible students and students with PFS are from the previous completed performance period as reported in MIS2000. The relative proportion of students with needs is the percentage of students who did not pass a New Mexico State Assessment in ELA or math, dropped out of school or youth not attending school, not proficient on a standardized district assessment, classified as an English Learner, retained or repeated a grade, grade placement is not age appropriate, behind on accruing credits towards graduation requirements, chronically absent, not school ready according to state school readiness benchmarks, or homeless. The relative availability of funds from other programs is determined through conversations with project directors about services and supports available in the district(s) where students are served.

Contact Information

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Our technical assistance manuals have a glossary at the end. Just a quick note in case it's helpful.

<https://webnew.ped.state.nm.us/wp-content/uploads/2024/10/23-24-TITLE-III-TAM.pdf>

<https://webnew.ped.state.nm.us/wp-content/uploads/2024/05/23-24-Title-I-Part-C-TAM.pdf>

Title 1, Part D

Program Purpose

The general purpose of the Title 1, Part D Neglected and Delinquent program is:

- To improve educational services for children and youth who are neglected, delinquent, or at-risk (N or D) so that they have the opportunity to meet academic content and achievement standards.
- To provide children and youth who are N or D with services so that they can successfully transition from institutionalization to further schooling or employment.
- To prevent youth from dropping out of school and provide youth who have dropped out and youth returning from correctional facilities with a support system to ensure their continued education (ESEA section 1401(a)).

Those Served by Part D

The children and youth who are neglected, delinquent, or considered at risk for school failure and/or delinquency are served. The programs provide supplemental educational services in various settings, including those who reside in juvenile detention, juvenile and adult corrections, those residing in facilities for youth who are neglected, and those attending programs directed at preventing school dropout and/or delinquent involvement in the community. Title I, Part D consists of two distinct programs, one for State Agency (SA) programs Subpart 1 and another for Local Education Agency (LEA) programs Subpart 2.

Title I Part D: Local Agency Programs (Subpart 2) Structure

Funding

Unlike Subpart 1, which provides a separate allocation to SEAs, the ESEA requires an SEA to retain a portion of its Title I, Part A allocation for the Subpart 2 program. (ESEA section 1402(b)). The US Department of Education allocates a portion of the Title 1 Part A Subpart 2 funds to PED specifically for this subpart, based on an annual count of the number of children and youth (ages 5-17) living in local institutions for delinquent children for at least one day during the 30-day count period. From that allocation, PED creates subgrants to eligible Local Education Agency (LEA) facilities to provide transition services to eligible youth.

The Count Window (Subpart 2)

This period is 30 consecutive days, and at least one day must be in the month of October. The PED selects the count period for all LEAs to use. The count is based on the October caseload count of any children or youth in the facility, regardless of the child's or youth's State of origin.

Facility Eligibility

The PED requires each Subpart 2 Local Education Agency Program to reserve from its Title I, Part A allocation funds generated by the number of children in locally operated institutions for neglected or delinquent youth. These funds may be awarded to Local Education Agencies (LEAs) with high proportions of youth in local correctional facilities to support dropout prevention programs for at-risk youth. The PED has broad discretion in

determining LEA eligibility. They may include youth participating in locally operated community school programs and schools not operated by the State that serve youth who are neglected or delinquent and do not live in a facility.

Student Eligibility

Students who are eligible to be served must be:

- 21 years of age or younger; and
- Those living in local institutions for youth who are delinquent; plus
- All youth eligible for Title 1 parts A and C; and
- All youth identified as “at risk”.

Neglected Facilities

Title I Part A funds are allocated through LEAs to support public or private residential facilities, other than foster homes, that are operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law due to the abandonment, neglect, or death of their parents.

Title I Part D Subpart II Application Requirements

The New Mexico Public Education Department’s Title I Part D, Subpart II Application is broken down into four sections. The PED should collect sufficient information to ensure that all of the requirements of the program will be carried out, such as the population served, the activities to be funded, and any other relevant information. LEAs must provide a narrative to address each of the following areas:

Criteria

- Characteristics of the children and youth served by the program.
- How the school will coordinate with existing programs to meet the unique educational needs of such children and youth.
- How participating schools will work to ensure facilities are aware of a child’s or youth’s individualized education program (IEP).

Goals, Quality, and Evaluation

- How participating schools will provide alternative placements for children and youth interested in continuing their education but unable to participate in a traditional public-school program.
- Description of the program to be assisted.
- List and describe formal agreements that exist between the LEA and correctional facilities or alternative school programs serving children and youth.
- As appropriate, provide a description of how participating schools will coordinate with facilities to ensure that children and youth are enrolled in educational programs.
- Description of the transition services provided to children and youth returning from correctional facilities operated by participating schools.

Transition and Support Services

Transitional services operated in local educational agencies under this subpart shall be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities.

- Description of how schools will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities, children/youth who are at risk of dropping out of school, and other participants.
- If applicable, describe partnerships with local businesses to develop services for participating students, including curriculum-based youth entrepreneurship education, and mentoring
- How the program will involve parents in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities.
- How schools will work with probation officers to help meet the needs of children and youth returning from correctional facilities.

Coordination and Collaboration

- How the program will coordinate with other Federal, State, and local programs. a description of how the program under this subpart will be coordinated with other Federal, State, and local programs
- Description of how the program will coordinate with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP)

Title 1 D Program Budgets

The Title 1 D grant budgets are subject to the provisions of Title 1, Parts A, D, and F, and Title VIII, as applicable, of the ESEA as amended by the ESSA, and the General Education Provisions Act (GEPA-P.L. 103-382). These grants are also subject to the Title 1 Regulations in 34 CFR Part 200 and the Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 76, 77, 81, and 82, and 2 CFR 3485, and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Parts 200 and 3474.

Overarching Budget Guidelines—Costs must be reasonable, necessary for the performance of the program, and allocable. Costs also must be most appropriate, meaning that they address the broad program goal of improving educational services for neglected/delinquent youth in order to provide them with the opportunity to meet the State’s rigorous academic standards expected of all students.

- A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.
- The cost is allocable to the grant if the goods or services involved are chargeable or assignable to the grant in proportion to the benefits received.
- A cost is allowable if used to address the specific educational needs of Title 1 D students as identified in the needs assessment. Title 1 D funds are intended to support strategies and activities designed to raise academic achievement of low achieving students. Title 1 D funds may not be used for activities such as building maintenance and repairs, furniture, landscaping, custodial or other facility services, and general education district/school administrative functions.
- Costs must comply with the federal Uniform Guidance at 2 CFR Section 200 which streamlines and consolidates government requirements for receiving and using federal awards;
<http://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>

Examples of allowable costs:

- Necessary and reasonable technology (such as computers, laptops, tablets, overheads, internet connections) to assist youth to meet the challenging State academic content and keep up with mainstream students.
- Necessary and reasonable costs to increase the total number of hours of instruction, providing supplemental reading, mathematics, language arts and vocationally oriented/CTE programs that include “academic classroom instruction” tied to common core standards (purchase books, supplies, and educational material; purchase scanners for IEP documents).
- Hire additional Title 1 D staff to tutor, add hours to basic education classrooms or provide transition services (advocates, teachers, aides, counselors); provide Title 1 D staff with professional development and training.
- Dual-enrollment courses (college and high school) or college placement/application services.

Examples of non-allowable costs:

- Education instructional activities providing a “regular program of instruction”.
- Social Emotional programs, curricula and materials that are not integrated and aligned with state academic standards for reading, mathematics, language arts, and CTE.
- Art supplies for programs, projects, and curricula that are not integrated and aligned with state academic standards for reading, mathematics, language arts, and CTE.
- College course enrollment.
- Food and refreshments for district/building staff or for students.
- Building construction or furniture; landscaping or maintenance costs.
- Standard equipment for Physical Education courses and sports equipment for athletics.
- Costs for banquets, ceremonies, celebrations or social events.
- Gifts or promotional items.
- Costs for general basic education student information systems (unless it is supplemental to an existing system).
- Non-educational field trips.

Supplement, not Supplant

Title 1 D, Subpart 1 grants may only be used to provide services that supplement, not supplant those services that would, in the absence of Subpart 1 funds, be provided to children participating in the regular school education program. However, Subpart 1 funds may be used to increase the total number of hours of instruction in reading, language arts, mathematics, or vocational/CTE courses, which are integrated and aligned with state academic standards and that students receive with State or local funds.

GLOSSARY OF PROGRAM DEFINITIONS

The following definitions apply to the programs authorized in Title 1, Part D:

Institution for delinquent children and youth means, as determined by the SEA, a public or private residential facility that is operated primarily for the care of children and youth who:

- (1) Have been adjudicated to be delinquent or in need of supervision; and
- (2) Have had an average length of stay in the institution of at least 30 days.

Institution for neglected children and youth means, as determined by the SEA, a public or private residential facility, other than a foster home, that is operated primarily for the care of children and youth who:

(1) Have been committed to the institution or voluntarily placed in the institution under applicable State law due to abandonment, neglect, or death of their parents or guardians; and

(2) Have had an average length of stay in the institution of at least 30 days.

Locally operated correctional facility means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age. The term also includes a local public or private institution and community day program or school not operated by the State that serves delinquent children and youth.

Regular program of instruction means an educational program (not beyond grade 12) in an institution or a community day program for neglected or delinquent children that consists of classroom instruction in basic school subjects such as reading, mathematics, and vocationally oriented subjects, and that is supported by non-Federal funds. Neither the manufacture of goods within the institution nor activities related to institutional maintenance are considered classroom instruction. The regular program of instruction must be State funded and must meet the required number of hours; the instructional program cannot include additional instructional time provided with Title 1 or other federal funds. (34 CFR Section 200.90(b) Program Definitions)

A community day program means, a regular program of instruction is provided with State funds and operated specifically for neglected or delinquent children and youth, by a State Agency at a community day school.

An adult correctional institution is a facility in which persons (including youth under 21 years of age) are confined as a result of conviction for a criminal offense.

At-Risk, when used with respect to a child, youth or student, means a school aged individual who is at risk of academic failure, dependency adjudication, or delinquency adjudication, has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system in the past, is at least 1 year behind the expected grade level for the age of the individual, is an English learner, is a gang member, has dropped out of school in the past, or has a high absenteeism rate at school. (20 USC 6472 Definitions as amended July 2018).

Title I Part D Subpart 2 Contacts

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Title II, Part A

Title II, Part A aims to enhance the quality of teachers and leaders by focusing on the preparation, training, and recruitment of high-quality educators, including both teachers and principals. The program also seeks to increase access to effective educators for students from low-income families and minority backgrounds. It is essential for State Educational Agencies (SEAs) and Local Education Agencies (LEAs) to strategically utilize these funds, along with other resources, to promote educational equity. Generally, Title II funds are intended to support additional strategies and activities that improve the quality and effectiveness of teachers, principals, and other school leaders.

Purpose

[SEC. 2001. 20 U.S.C. 6601](#)

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
4. provide low-income and minority students greater access to effective teachers, principals, and other school leaders.

Supplement Not Supplant Provision

SEC. 1118. [20 U.S.C. 6321](#). FISCAL REQUIREMENTS. [2 CFR §200.403\(d\)](#); [ESEA/ESSA, Sec. 2301, 8521\(c\)](#)

As with Title I, Part a, LEAs receiving Title II, Part A funds must adhere to the "supplement, not supplant" requirement. This means that **Title II, Part A funds should be used to “add to” (supplement) and not replace (supplant) state and local funds.** Supplanting is presumed to occur under the following circumstances:

- An LEA uses Title II, Part A funds to pay for an activity required by federal, state, or local law.
- An LEA uses Title II, Part A funds to pay for an activity previously funded by state or local funds in the prior year.
- An LEA pays for a service or resource with state/local funds in one school, while using Title II, Part A funds for the same service or resource in another school.

An LEA may overcome the presumption of supplanting if it has written documentation, such as state or local legislative actions, budget information, local school board approval, or other materials, showing that it does not have the necessary funds to implement the activity and that the activity would not be carried out without Title II, Part A funds.

Eligible Staff

Title II, Part A funds may be used to pay for the professional development of teachers, principals, and other school leaders as defined in ESEA §8101(A)(44). Other school leaders refer to individuals who are not principals or assistant principals but still carry significant instructional leadership and management responsibilities. These individuals:

- (A) Are employees or officers of an elementary or secondary school, local educational agency, or other school-operating entity, or
- (B) Are responsible for overseeing daily instructional leadership and managerial operations within the school(s).

The federal non-regulatory guidance for Title II ([Building Systems of Support for Excellent Teaching and Leading](#)) provides numerous opportunities for districts. It is divided into three sections: Support for Educators, Access to Equitable Educators, and Strengthening Title II-A Investments. This guidance is designed to help districts use Title II-A funds more strategically for greater impact.

The lists below outline which individuals may or may not receive professional development funded by Title II, Part A:

<u>Allowable</u>	<u>Not Allowable</u>
Principals/Assistant Principals	Guidance Counselors**
Teachers	Librarians**
Academic/Instructional Coaches	Superintendents
Teacher Leaders	Administrative Staff
Mentors	Curriculum Directors***
Paraprofessionals*	Nurses
	Bus Drivers
	Custodians
	School Board Personnel

*May attend local professional development trainings within the district. This includes training on behavior management, cultural competency, assistive technology, and identifying and preventing child sexual abuse. However, participants are not eligible for travel or tuition reimbursement.

** Costs may be prorated if providing instruction or training (please contact the Title II-A Liaison for details).

*** Except for the time spent directly providing professional development to staff listed in the "allowable" activities.

Prioritizing High-Impact Strategies

Title II, Part A is to boost the academic achievement of all students by enhancing the quality of teachers and principals in schools and districts. It ensures that all teachers are highly qualified, and in return, agencies receiving these funds are held accountable to the public for improvements in academic performance.

LEAs should prioritize strategies and activities that have the highest impact on teaching and learning to achieve the highest level of academic success. The U.S. Department of Education (ED) recommends using a five-step framework:

1. Choose interventions aligned with identified local needs.
2. Consider the evidence base and local capacity when selecting a strategy.
3. Develop a robust implementation plan.
4. Provide adequate resources to support implementation.
5. Regularly gather information to examine the strategy, reflect, and inform next steps.

LEAs must use data and ongoing stakeholder consultation to continually update and improve Title II-supported activities.

Application Process

Meaningful Consultation

Each Local Educational Agency (LEA) must begin the application process for Title II, Part A funds by engaging in meaningful consultation with a broad range of stakeholders including teachers, principals and other school leaders, paraprofessionals, specialized instructional support personnel, parents, community partners, and appropriate officials from Indian tribes or tribal organizations.

The goal of consultation should be to develop an understanding of the needs within the LEA, identify gaps in teacher quality, areas for professional development, and other factors impacting student achievement, and ensure activities are coordinated and aligned with other federal, state, and local programs to maximize impact of available resources.

Steps in the Consultation Process

1. **Initial Meetings:** Schedule meetings with each stakeholder group to discuss their perspectives and gather input on educational needs and priorities.
2. **Data Collection:** Collect and analyze relevant data, such as student performance metrics, teacher evaluation results, and feedback from surveys or focus groups.
3. **Needs Assessment:** Conduct a formal needs assessment using the information gathered from stakeholders and data analysis to identify key areas for improvement and professional development.
4. **Draft Plan Development:** Develop a draft plan for using Title II, Part A funds based on the needs assessment, ensuring it addresses identified priorities and aligns with the overall goals of the LEA.
5. **Review and Feedback:** Present the draft plan to stakeholders for review and feedback, making necessary revisions based on their input to ensure the plan is comprehensive and inclusive.
6. **Final Plan Submission:** Submit the final plan to the state education agency for approval, along with documentation of the consultation process and stakeholder input.

Needs Assessment

Effective implementation of Title II, Part A funds require a strategic approach to professional learning that addresses educators' and school teams' specific needs. Schools can enhance educator effectiveness and improve student outcomes by focusing on areas such as root cause analysis, change leadership, goal setting, accountability, coaching, strategic planning, and data utilization. The information below serves as a roadmap for maximizing the impact of Title II, Part A investments across key areas: student achievement data, equity access, and professional development/professional learning (PD/PL) data, human resources (recruitment, retention, and mentoring) and community engagement.

Student Achievement Data:

1. Analyzing student achievement data:
 - Review standardized test scores, graduation rates, and other relevant academic indicators to identify areas of strength and areas of growth.
 - Examine subgroup data to identify achievement disparities among different student populations.
 - Qualitative data such as teacher observations and student work samples lend insights into student performance.

Equity Access:

1. Ensuring equitable access to effective teachers and high-quality instruction:
 - Evaluate teacher distribution across schools and classrooms to identify any inequities in teacher quality.
 - Implement strategies to recruit and retain effective teachers in high-need schools and subject areas.
 - Provide targeted support and professional development opportunities to teachers working with historically underserved student populations.

Professional Development/Professional Learning (PD/PL) Data:

1. Identifying areas of need:
 - Gather input from educators through surveys, focus groups, and interviews to determine areas where professional development is most needed.
 - Analyze teacher performance evaluations, self-assessments, and student feedback to identify strengths and areas of growth opportunity.
 - Align professional development priorities with school improvement plans and district goals.
2. Effectiveness indicators for PD/PL:
 - Establish clear objectives and learning outcomes for professional development activities.
 - Collect participant feedback through surveys and evaluations to assess the relevance, quality, and impact of professional learning experiences.
 - Measure changes in educator practice and student outcomes resulting from professional development initiatives.
 - Utilize teacher performance data, such as classroom observations and student achievement gains, to evaluate the effectiveness of professional learning opportunities.

3. High-Quality Instructional Materials (HQIM) and related Professional Development:
 - Ensure the adoption and implementation of high-quality instructional materials in all classrooms.
 - Provide curriculum-based professional development to support teachers in effectively utilizing HQIM to enhance student learning.
 - Monitor the implementation of HQIM through classroom observations, teacher feedback, and student performance data.
 - Offer ongoing support and resources to help teachers integrate HQIM into their instructional practices.
 - Ensure instructional materials are vetted and evidence based. (Consult [Education Resources Information Center \(ERIC\)](#), [What Works Clearinghouse \(WWC\)](#), and [NMPED Instructional Materials Bureau](#) for Instructional Materials and [High-Quality Professional Learning Marketplace](#).)

Human Resources – Recruitment:

1. Strategies for recruiting highly qualified educators:
 - Develop targeted recruitment strategies to attract diverse, highly qualified educators.
 - To reach potential candidates, utilize various recruitment channels such as job fairs, social media, and professional networks.
 - Collaborate with colleges, universities, and alternative certification programs to recruit candidates with specialized skills and expertise.

Human Resources – Retention:

1. Approaches for Retaining Highly Qualified Educators:
 - Implement competitive compensation and benefits packages to attract and retain highly qualified talent.
 - Provide professional growth and advancement opportunities through ongoing professional development and leadership programs.
 - Foster a positive and supportive work environment that values educator input, collaboration, and recognition.

Human Resources – Mentoring New-to-Career Teachers:

1. Determining the number of new-to-career teachers and mentor selection:
 - Project the number of new-to-career teachers expected to be employed in the upcoming school year based on hiring trends and anticipated retirements.
 - Develop criteria for selecting mentors, considering experience, expertise, and compatibility with mentees.
 - Consider providing mentors with a stipend or additional compensation to recognize their time and expertise invested in supporting new teachers.

Community Engagement – Consultation:

1. Engaging the community in decision-making processes:

- Establish mechanisms for ongoing consultation with stakeholders, including parents, community members, and local organizations.
- Hold regular meetings, forums, and focus groups to gather input and feedback on district initiatives and policies.
- Collaborate with community partners to leverage resources, expertise, and support for educational programs and initiatives.

Conducting a thorough needs assessment is not just a step in the process, it’s a vital tool for informing the allocation of Title II, Part A funds and designing targeted professional development initiatives. By analyzing student achievement data, ensuring equitable access to effective teachers and high-quality instructional materials, and identifying areas for professional development, LEAs cannot only maximize the impact of Title II, Part A investments on educator effectiveness and student success, but also ensure the most effective use of resources.

Furthermore, conducting a needs assessment across human resources and community engagement domains is vital for effectively utilizing Title II, Part A funds. By creating supportive environments that promote educator growth and student success through strategies for recruiting and retaining highly qualified educators, establishing mentorship programs for new teachers, and engaging the community in decision-making processes, LEAs can make a significant difference. This guidance serves as a framework for districts to conduct a comprehensive needs assessment process and making informed decisions to support educator growth and student achievement, enhancing their educational programs and practices and inspiring student success.

LEAs may use their own customized form, or the Title IIA Needs Assessment template in the Appendix.

Allowable Activities

Title II, Part A offers agencies the flexibility to use funds creatively to address a range of challenges related to teacher quality. By leveraging these funds, agencies can tailor solutions to meet their specific needs and promote effective teaching practices. The following activities are specified in [ESEA § 2103\(b\)\(3\)\(A\)](#) and further detailed on page 21 of in this document, *Optimizing Title II, Part A Utilization*:

- Evaluation and Support Systems
- Career Readiness
- Recruiting, Hiring, and Retaining Effective Teachers
- Supporting Educator Diversity
- Recruiting from Other Fields
- Class Size Reduction
- High Quality Professional Learning
- Increasing Teacher Effectiveness for Students with Disabilities and English Learners
- Supporting Early Education
- Supporting Effective Use of Assessments

- Supporting Awareness and Treatment of Trauma and Mental Illness, and School Conditions for Student Learning
- Supporting Gifted and Talented Students
- Preventing and Recognizing Child Sexual Abuse
- Supporting Science, Technology, Engineering, and Mathematics (STEM)
- Improving School Working Conditions
- Supporting Postsecondary and Workforce Readiness

Fiscal and Programmatic Requirements

Expenditures – Reasonable, Necessary, Allocable [2 CFR 200.403](#)

Approval of a Title II, Part A application indicates that the proposed activities and budgeted amounts meet both federal and PED requirements. Once approved, the district may begin implementing the activities outlined in the application. The PED cannot approve funds for activities that are undefined or vague. Therefore, narratives are required in the Title II Consolidated Application to explain the purpose of the funds and identify the staff or school(s) using the funds.

Additionally, funds cannot be reserved for unspecified future use ("rainy day funds"). All funds must be budgeted for clear, defined purposes that the PED approves. Costs charged to Title II, Part A must be reviewed by the designated Title II, Part A LEA Federal Program Director. The proposed expenditures must meet the following general criteria:

1. Conform to applicable statute, regulations and guidance and generally accepted accounting principles.
2. Be consistent with written internal controls (policies and procedures) that apply uniformly to both federally funded and non-federally funded LEA activities. (For example: Travel and stipends for staff providing or receiving professional development)
3. Be reasonable, necessary, and allocable to the performance of the grant.
 - A cost is **“reasonable”** if, in its nature and amount, it does not exceed that which would be incurred by a reasonably prudent person under the circumstances prevailing at the time the decision was made to incur the cost. [2 CFR 200.404](#)
 - Consideration must be given to:
 - Sound business practices
 - Arm’s length bargaining
 - Terms of the grant award
 - Market Prices for comparable goods or services in the geographical area
 - Whether the individuals acted with prudence under the circumstances
 - No significant deviation from established prices.
 - **“Necessary”** costs are needed for the performance or administration of the Federal award. The proposed initiatives and activities are essential for carrying out the Title II, Part A program and the need is supported in

the needs assessment and the district or school improvement plan. [2 CFR 200.403 \(a\)](#)

- Is the cost included in your plan / grant application?
- Is it aligned with the goals of the program / grant?
- Does your agency have the capacity to use what you are purchasing?
- Is the staff knowledgeable regarding the program?
- **“Allocable”** means able to be charged to the grant. Costs must be incurred specifically for the grant; must benefit both the grant and LEA work; must be necessary to the operation of the LEA and distinguishable as a grant asset. [2 CFR 200.405](#)
 - Incurred specifically for the award;
 - Benefits both award and other work and can be distributed in proportions that may be approximated using reasonable methods; and
 - Necessary to the overall operation of the entity and assignable to the award in accordance with this Part.

4. Proposed expenditures must be given consistent treatment with direct and indirect costs. For current year Indirect Cost Rates, see [PED Accounting](#).

- Most costs are directly charged to the grant.
 - Salaries of administrative and clerical staff should be treated as “indirect”
 - For costs that cannot be directly charged, grantees have an indirect cost rate.
5. Lastly, the proposed expenditures must be adequately documented. The district can easily document the reasonableness, necessity, and allocability of expenditures using established procedures for allowability, needs assessment, standard purchasing processes, or district policy. [2 CFR 200.403\(g\)](#) & [2 CFR 200.302\(b\)\(3\)](#)

Parent Notification

(see [Title I Parents Right-to-Know Requirements](#))

The federal Elementary and Secondary Education Act (ESEA) as amended by Every Student Succeeds Act (ESSA) in section 1112 (e) requires that local educational agencies (LEAs) provide notice and outreach to parents in the following areas:

- Academic Achievement and Educator Qualifications.
- Testing Transparency
- Language Instruction
- Parental Participation

Please note, all districts and charter schools have an obligation to communicate meaningfully with parents or guardians who are not proficient in English. The Office for Civil Rights is responsible for enforcing Title VI of the Civil Rights Act of 1964 and its implementing regulation at [34 C.F.R. Part 100](#), which prohibits discrimination based on race, color, or national origin in programs and activities that receive Federal financial assistance from the U.S. Department of Education. For the State’s guidance on providing language assistance to parents or guardians, please see the [Language Assistance to Parents or Guardians](#) guide in the [Parent Portal](#) of the NMPED website. For additional information, please email the [Student, School, and Family Support Bureau](#).

Recordkeeping

Districts participating in Title II, Part A must maintain records showing they are in compliance with applicable statutes

and regulations and the implemented activities meet the program’s purpose. When deciding what records to keep, PED highly recommends reviewing the Title II, Part A Self- Assessment Tool, which can be found in the Appendix. This document is organized by important requirement topics and provides examples of the types of documentation that may be maintained for each. This document is utilized for district monitoring and it also offers the opportunity to self-monitor your program.

Time and Effort

[2 CFR 200.430](#)

All employees paid partially or fully from Title II, Part A funds, or any federal funding source, must complete Time and Effort reporting. This requirement applies to both district- and school-level staff members. Time and Effort documentation must reflect the actual activities completed by the employee, rather than scheduled or anticipated tasks. Federal costs, including salaries, must be allocable, meaning they should provide a benefit to the program proportional to the benefits received. Federal funds can only cover goods or services to the extent that they benefit the federal program.

For example, if a district partially supports an instructional coach with Title II, Part A funds, the coach must maintain Time and Effort documentation for both the time supported by the grant and the time not supported by the grant, which is paid from other sources.

According to [2 CFR 200.430](#), salaries and wages of employees working on federal programs may be paid with federal funds if appropriate time distribution records are maintained. These records must:

- **Internal Controls:** Be supported by a system of internal controls that ensures the charges are accurate, allowable, and properly allocated.
- **Official Records:** Be incorporated into official records.
- **Total Activity Reflection:** Reasonably reflect the total activity for which the employee is compensated, not exceeding 100 percent of compensated activities.
- **Comprehensive Coverage:** Encompass both federally assisted, and all other activities compensated by the district on an integrated basis.
- **Compliance:** Comply with the established accounting policies and practices of the non-federal entity.
- **Salary Distribution:** Support the distribution of the employee’s salary or wages among specific activities or cost objectives.
- **Budget Estimates:** Note that budget estimates alone do not qualify as support for charges to federal awards.

District Procedures: Districts should have their own internal controls, written policies and procedures for accurate for federal reporting, including:

- **Documentation and Reporting:** Complete time and attendance records.

- **Review and Approval:** How time is reviewed and approved.
- **Processing Charges:** Personnel charges to federal awards.
- **Internal Review Process:** Ensuring effective internal control over federal awards.

The [Cost Allocation Guide for State and Local Governments \(2019\)](#) by the U.S. Department of Education outlines the sections that should be included in the district's procedures.

Districts have some flexibility in Time and Effort reporting. They can create their own internal controls, such as documented policies and procedures, provided these controls are consistently applied and meet the required standards. The uniform guidance emphasizes the importance of strong internal controls, stating that "non-federal entities must have sufficiently strong controls to ensure that personnel costs are justified."

While Personnel Activity Reports (PARs) and semi-annual certifications are not federally required, they can serve as effective examples of strong internal controls that meet time and effort reporting requirements. If a district has not established its own methods for documenting time and effort, PAR reports and semi-annual certifications should be used.

Documentation Standards

The standards for documentation of personnel expenses include:

- **Accurate Reflection of Work:** Charges to federal awards for salaries and wages must be based on records that accurately reflect the work performed. These records must be supported by a system of internal controls that ensures the charges are accurate, allowable, and properly allocated.
- **Internal Controls Documentation:** If the district uses PARs and semi-annual certifications for time and effort reporting, the district's written procedures should document this. Internal controls can include any measure that supports the accuracy of the documentation for charges to Title II, Part A for salaries.
- **Verification:** Internal controls should include documentation that can be verified. This documentation can include signatures, electronic signatures, and information from a person with firsthand knowledge of the work.

District and school personnel who work solely on a single cost objective can certify semi-annually or annually that they worked only on that specific objective for the designated period. A single cost objective can encompass a single task, grant, or activity. It's possible to work on a single cost objective even if the employee is involved with multiple federal awards or a combination of federal and non-federal awards.

The key to determining if an employee is working on a single cost objective is whether their salary and wages can be fully supported by each of the federal awards they are involved in or by the federal award alone if non-federal funds are also used. [2 CFR 200.430\(i\)](#)

Budget Management

To ensure effective budget management, maintain accurate and complete records of all financial transactions related to Title II, Part A funds. Timely and appropriate financial reporting is essential to meet federal requirements, and regular

budget reviews are necessary to reflect changes in program needs and funding levels. Utilizing financial management tools and conducting periodic budget assessments can help achieve these goals. [2 CFR Part 200 Subpart D](#)

Post Federal Award Requirements [2 CFR Part 200 Subpart F](#)

Audit Requirements. [OMB Circular A-11](#)

Internal Controls

Implementing robust internal control systems is crucial for the proper use of Title II, Part A funds. This includes regular audits and reviews to detect and prevent fraud, waste, and abuse. Establishing procedures for timely and accurate documentation of personnel time and effort further ensures compliance with federal guidelines. Strong internal controls provide reasonable assurance that financial practices are accurate and efficient. See Internal Controls for more information [2 CFR Part 200.303](#).

Learn about audit requirements in the [Government Auditing Standards](#)

Detailed guidance on personnel documentation can be found in [2 CFR Part 200.430](#) - Compensation.

Federal Grants Management Regulations

Any additional payment or benefit that is a bonus or incentive must be reasonable and paid according to an established, written agreement with the employee or an LEA plan that implies an agreement. [2 CFR 200.430\(f\)](#)

Documentation

Maintaining detailed records of expenditures, such as invoices, contracts, and receipts, is vital. These records should be readily available for review during audits and monitoring visits. For staff funded by Title II, Part A, use Personnel Activity Reports (PARs) or semi-annual certifications to document time and effort (see **Time and Effort**). Comprehensive documentation supports transparency and accountability in the use of federal funds. For documentation standards, refer to [2 CFR Part 200.302](#) - Financial Management. Review audit preparation guidelines in the [Uniform Guidance Audit Requirements](#).

Examples of Single Cost Objectives:

- An instructional coach is funded 50% by Title II, Part A and 50% by general funds. The salary for the instructional coach is considered a single cost objective because it can be fully supported under Title II, Part A.
- An elementary school teacher is primarily paid with general funds, but the district uses Title II, Part A funds to pay the teacher for mentoring new teachers. Even though the teacher cannot be paid with Title II, Part A funds for mentoring during the contractual school day, the time spent on after-school mentoring is easily separable from their teaching duties by schedule. Thus, the after-school mentoring is a single cost objective. Note: Title II, Part A funds may only be used for mentoring programs for teachers beyond their first year of teaching.

Internal Controls for Single and Multiple Cost Objectives

The PED provides an example of a strong internal control for staff working on a single cost objective in the form of a “semi-annual certification.” This certification includes the period covered and is signed by both the employee and a supervisor with first-hand knowledge of the work performed. A sample document is available in Appendix A.

Multiple Cost Objectives

District and school personnel working on multiple cost objectives must maintain time and effort distribution records in accordance with [2 CFR 200.430\(i\)\(1\)\(vii\)](#). These records should:

- Support the portion of time and effort dedicated to each federal program or cost objective.
- Reflect the distribution of the employee’s completed work and actual activities.
- Account for the percentage of time the employee is paid from each program.
- Only reflect previously completed work, not scheduled or anticipated work.

Common Expenditures and Required Documentation

Additional Compensation: Supplements, Incentives for Retention, Stipends

Additional compensation may be provided to LEA staff who provide allowable professional development and/or mentoring above and beyond contractual obligations to allowable participants. Title II, Part A Non-Regulatory Guidance provides some suggestions as to how LEAs might provide compensation to support LEA authorized use of funds like mentoring for retention and professional growth opportunities.

*Salary dedicated to Title II, Part A Program (newly created positions) **

- Identify Name of Educator, License, Location, Role, Description, and Amount (Section 8 of TIIA Application)
- Job description must be attached in Section 14 of TIIA Application
- Contact TIIA Liaison for additional guidance and requirements

Recruitment/Retention Stipend

Additional compensation may be provided as a recruitment or retention incentive, given the LEA is targeting effective educators, particularly in high needs areas and for high needs schools. Written criteria should be established and applied consistently. [ESSA Sec. 2103 Local Uses of Funds \(B\)\(C\)](#) .

- Identify Name of Teacher, License, School, Subject, Grade Level, and Stipend Amount

Mentoring/Teacher Leader

- Identify Name of Teacher, License, School, Subject, Grade Level, and Stipend Amount
- Documentation of Mentoring Activities (Observations, Schedule, Procedures, etc.)
- Approved Mentor/Teacher Leader Job Description
- Proof of Title II, Part A Federal Program Director Authorization (TIIA application)
- Time and Effort Documentation [2 CFR 200.430\(i\)](#)

Salaries and wages of employees who work on federal programs may be paid with federal funds if appropriate time distribution records are maintained. These records must:

- Be supported by a system of internal controls that provides reasonable assurance that the charges are accurate, allowable and properly allocated;

- Be incorporated into official records;
- Reasonably reflect total activity for which the employee is compensated, not exceeding 100 percent of compensated activities;
- Encompass both federally assisted, and all other activities compensated by the district on an integrated basis;
- Comply with the established accounting policies and practices of the non-federal entity; and
- Support the distribution of the employee’s salary or wages among specific activities or costs objectives.

Substitute for Teacher Participating in Allowable PD Activities

To ensure compliance with federal regulations and promote the transparent and effective use of Title II, Part A resources, it is essential to maintain thorough documentation when substitute teachers receive pay for covering classes while regular teachers attend professional development.

Required Documents for Reimbursement

- Detailed records of substitute teacher names and dates of service
- Time and effort logs, timesheets or payroll records verifying payment to substitutes
- Professional development agenda and sign in sheets of teacher’s attendance

Professional Development

Title II, Part A funds may be used to support professional learning for all teachers, instructional paraeducators, principals, and school counselors, and other school leaders. Professional learning activities should be determined through engagement with stakeholders and clearly identified in the district needs assessment. Title II professional development should include the following:

The following are examples of professional learning activities:

- Classroom Management
- Assessment
- Curriculum/Lesson Planning
- Induction and Mentorship Training
- Leadership Development for Principals

Essential Questions for Identifying and Planning Effective Professional Development and Learning Activities

- *Does the professional development align with the Title VIII definition? [ESSA Sec. 8101 \(p.401\)](#)*
- *Will the LEA be able to determine and report how the chosen activity/ strategy improved teacher, principal or other school leader effectiveness? How will the activity/strategy be documented?*
- *Is the activity or strategy supplementing (not supplanting) non-federal funds that would otherwise be used for activities authorized under Title II?*

Required Documents for Reimbursement

- Flyer or Clear Description of Activity
- Agenda (Date/Time)
- Sign in Sheet or Certificate of Completion
- Invoice (if outside vendor/contractor)
- Registration copy
- Evidence of payment (PO, credit card statement, etc.)

Membership and Subscriptions

Title II, Part A may be used to support memberships and subscriptions that support high-quality, ongoing, personalized professional development that is evidence-based; however, memberships and subscriptions must be purchased for the LEA and/ or school, not for individual staff.

Memberships that can be purchased by position and are transferrable in the event of transition or vacancy, thereby benefitting the LEA or school, are allowable. [2 CFR §200.454](#)

Required Documents for Reimbursement

- Copy of agreement or contract with provider
- Purchase Order
- Invoices

Travel

For General Travel, Local Educational Agencies (LEAs) must ensure their policies align with the State Travel Policy [2 CFR §200.474\(b\)](#) and the [New Mexico Department of Finance](#) guidelines. LEAs are required to have written travel internal controls that are consistent with both federal and state laws, as well as the state travel policy. These policies can be more restrictive but not less. All costs must be reasonable, necessary, and consistently applied to expenditures made with both federal and non-federal funds. LEAs must use their policies to provide equitable services and conduct an annual review of their policies, as the state travel policy is updated annually.

Required Documentation

- Recipient Name, Position (grade, content if applicable), PD or activity attended
- Allowability of Activity (purpose for travel reimbursement)
 - May include Agendas or Training Materials with sessions attended highlighted and certificate of completion
- Verification of Costs Incurred: Mileage Form, Proof of Airfare, Hotel Receipts (traveler's name), Transportation, Luggage Check, Uber, or Parking receipts
- Scope of Costs Approval:
 - Travel Authorization
 - Proof of Title II, Part A Federal Program Director Authorization
 - Timeline/Plan for Redelivery

Recruitment Travel Required Documentation

- Recipient Name, Position (grade, content if applicable)
 - Allowability of Activity (purpose for travel reimbursement and agenda); may include job fairs
 - Verification of Costs Incurred: Mileage Form, Proof of Airfare, Hotel Receipts (traveler's name), Transportation, Luggage Check, Uber, or Parking receipts
- Scope of Costs Approval:
- Travel Authorization
 - Proof of Title II, Part A Federal Program Director Authorization
 - Timeline/Plan for Redelivery

Mileage

Mileage is reimbursable for eligible participants under TIIA. To be allowable, the mileage reimbursement would need to be necessary and reasonable in accordance with [2 CFR §200.403](#). In addition, LEAs must adhere to the district's mileage reimbursement policy and the [New Mexico Department of Finance Administration](#).

Under this program, all costs must be used to supplement, and not supplant, non-federal funds that would otherwise be used for activities authorized under [ESSA. \(20 USC Section 6613\)](#).

Required Documentation for Mileage Reimbursement

- Travel Authorization (signed)
- Mileage form (include date, purpose, start and end location, # miles)

Recruitment

Advertising

Title II, Part A may be used to support recruitment that is supplemental to the recruiting that LEAs would conduct in the absence of Title II, Part A. In accordance with [2 CFR §200.421](#), LEAs must limit advertising and public relations costs to recruitment of personnel required for the performance of a federal award, specifically teachers in high needs areas, principals and assistant principals, and teachers and leaders serving in high poverty, high minority, underperforming schools. *(In New Mexico, recruitment should not be funded with Title II, Part A for unallowable grant positions such as central office staff, bus drivers, speech language pathologists, etc. In accordance with [2 CFR §200.463](#), LEAs may fund travel costs of employees engaged in the recruitment of personnel (must be preapproved).*

Required Documentation (Example: Social Media Advertising for new teachers/principals)

- **Justification for Expense:** Clear explanation of how the recruitment aligns to TIIA objectives. Documentation demonstrating the necessity of recruitment advertising to attract highly qualified teachers or principals.
- **Approval Records:** Copies of internal approvals or authorizations for the expenditure. Documentation of approval from administrative personnel or governing bodies.
- **Advertising Plan:** A detailed plan outlining the recruitment campaign, goals, target audience, strategies, etc. Description of how the advertising will be used and expected outcomes.
- **Cost Estimates and Invoices:** Itemized cost estimates from vendor or the Social Media Platform (SMP) for the advertising campaign. Invoices or receipts from the vendor showing the actual cost incurred.
- **Proof of Service:** Records of the social media ads placed, screenshots or links to the advertisements. Data or reports from the advertiser showing the performance of the ads (e.g., impressions, clicks, engagement).
- **Payment Records:** Copies of payment records or transactions showing that funds were used to pay for the social media advertising. Bank statements or financial records confirming payment.
- **Impact Assessment:** Documentation evaluating the effectiveness of the recruitment advertising in meeting recruitment goals. Records showing the number of applicants or hires resulting from the advertising campaign

Coursework Reimbursement

LEAs have the flexibility to use Title II, Part A (TIIA) funds to support the advancement of teachers, aligning with TIIA's goal to improve the quality of teaching and leadership, ultimately benefiting student achievement. Here are the allowable uses:

1. **Course Reimbursement:** Funds can pay for coursework that contributes to a teacher's professional advancement and skill enhancement. Note that TIIA funds do not cover degree costs. *Note: Tuition reimbursement may not be paid for individuals to become Highly Qualified paraprofessionals. When hired as instructional support personnel, the individual must already have proper qualifications as paraprofessionals.*
2. **Licensure Advancement:** Funding is available for moving from Level 2 to Level 3 APL Micro-credentials. Funding for Level 1 is not allowable as it is required for a teacher license.
3. **NBCT Certification Support:** Allowable expenses include study aids, preparation courses, and other resources to help teachers achieve certification (e.g., New Mexico National Board-Certified Teacher (NBCT) Network). Note that NBCT components are not reimbursable since the PED offers the NM-NBCT scholarship program funded by New Mexico legislation.
4. **Endorsement Fees:** Title II, Part A funds can be used to pay for endorsement fees if they are part of the process to improve the quality and effectiveness of teachers. This includes costs for obtaining endorsements or additional certifications necessary for professional development goals and state requirements.

Prior to the educator enrolling in a course, the federal program director or charter school leader must email Title II Liaison for preapproval and the following information with the request:

Teacher Name/License	Current Position	Reason MA or Administrative License or Endorsement	University/College Name	Course Date Range	Course Name	Course Description (catalog description)
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Required Documentation for Reimbursement

- Approved local course reimbursement request form
- Passing Grade - Transcript (system generated grade report)
- Copy of the catalog course description
- Student statement of account (zero balance for semester)
- Copy of the PO

By adhering to the federal guidelines, educational institutions (LEAs and charter schools) can strategically enhance educator effectiveness and elevate overall student achievement. The guidance emphasizes the importance of investing in professional development programs to empower teachers and principals with the latest instructional methodologies and technologies. Districts and schools that align their activities with federal guidelines are well-positioned to cultivate a culture of continuous improvement and excellence in teaching and learning. *Please contact your Title II-A Liaison for additional guidance to ensure activities and expenditures align with regulatory requirements.*

Other Allowable Coursework Uses

1. Tuition for paraprofessionals in a state-approved teacher preparation program, including alternative route or “Grow Your Own” models*
2. Tuition and test fees for a teacher in a state-approved principal preparation program*
3. Tuition and test fees for a teacher in an add-on endorsement program*
4. ETS ParaPro assessment (paraeducators)
5. Reimbursement of clock hours not included in the cost of the professional development class/course

*If the LEA pays the tuition prior to the completion of the course, a written agreement must be signed by both parties outlining the process for repayment if the class is not completed or passed with the minimum grade as determined by the district.

Non-Allowable Uses

1. License background checks: The use of federal funds to cover the costs associated with background checks for teacher licensure is not permissible. Background checks are considered routine administrative expenses and do not directly support the primary objectives of the TIIA program, which are to increase student achievement by improving the quality and effectiveness of teachers, principals, and other school leaders.
2. Materials, travel expenses, or supplies that are not directly connected to Title II funded professional learning.
3. Tuition reimbursement for nonpublic services or non-instructional staff.
4. Costs for required Continuing Education Units (CEUs) or license renewal.
5. Cost-of-living or collective bargaining increases.

Optimizing Title II, Part A Utilization

Evaluation and Support Systems

[ESEA § 2103(b)(3)(A)]

Local Educational Agencies (LEAs) can use Title II, Part A funds to train toward the development or improvement of evaluation and support systems for teachers, principals, and other school leaders. Continuous improvement is supported through regular feedback, collaborative teams, and access to high-quality instructional resources and online learning platforms. These activities ensure that Title II, Part A funds are used effectively to enhance educator practice and student outcomes. Allowable activities include:

Enhancing Professional Development: LEAs can offer professional development opportunities that align with evaluation criteria, helping educators improve in areas identified through the evaluation system. This includes tailored training and workshops focusing on best practices, instructional strategies, and leadership skills.

Supplemental Support Systems: Developing mentorship programs where experienced teachers and leaders support new or struggling staff members, and implementing instructional coaching programs for one-on-one improvement based on evaluation feedback, are effective ways to supplement support systems.

Data-Driven Decisions: Investing in data analysis tools to identify trends, strengths, and areas for improvement, and creating action plans based on this data, helps address specific needs and goals for professional growth.

Recognition and Incentives: Establishing recognition programs to celebrate achievements and improvements highlighted by the evaluation system and using funds to provide incentives for professional development participation and achievement of evaluation goals, can foster a culture of excellence.

Continuous Improvement: Establishing continuous feedback loops where educators receive regular, constructive feedback based on evaluation results, and forming collaborative teams or Professional Learning Communities (PLCs) to discuss evaluation outcomes and share improvement strategies, support ongoing improvements.

Resources and Materials: Providing access to high-quality instructional resources and investing in online learning platforms that offer courses and resources aligned with evaluation goals, helps support areas identified for improvement in the evaluation system.

Career Readiness Education

[ESEA § 2103(b)(3)(O)]

Title II, Part A supports training educators and leaders to integrate rigorous academic content with effective career/technical education and work-based learning, preparing students for post-secondary education and the workforce.

Recruiting, Hiring, and Retaining Effective Teachers

[ESEA § 2103(b)(3)(B)]

High-quality teaching and learning require a diverse cohort of educators to be prepared and supported to meet the many challenging demands that they and their students face, particularly underserved students and students of color. LEAs may use Title II funds to develop and implement initiatives to recruit, hire and retain effective teachers to improve the equitable distribution of teachers, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet state standards. This can include the following:

- **Expert help in screening candidates** and enabling early hiring;
- **Differential and incentive pay** for teachers, principals, or other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems;
- **Supporting teacher leadership** through career opportunities and advancement initiatives for effective teachers that promote professional growth and emphasize multiple career paths. This includes creating hybrid roles that allow teachers to provide instructional coaching to colleagues while remaining in the classroom, as well as other responsibilities such as collaborating with administrators to develop and implement distributive leadership models and leading decision-making groups;
- **Establishing and supporting mentoring and induction programs** for new teachers, principals or other school leaders;
- **Training for school leaders, coaches, mentors and evaluators** on how to accurately differentiate performance, provide useful feedback and use evaluation results to inform decision-making about professional development, improvement strategies and personnel; and

- A system for **auditing the quality of evaluation and support systems**.

EXAMPLE: Teacher Residency Program

LEAs may use Title II funds to establish, improve, or support school-based residency programs for teachers in which prospective teachers, for at least one academic year:

- Receive concurrent instruction from either the LEA or the teacher preparation program in the teaching of the content area in which the teacher will become certified or licensed; and
- Acquire effective teaching skills, as demonstrated through completion of a residency program, or other measure determined by the state.

Supporting Educator Diversity

[ESEA § 2103(b)(3)(B)]

According to ED guidance, LEAs may use Title II funds for:

- **Providing financial support** to educator recruitment programs within the community to improve hiring and retention of a diverse workforce;
- **Offering career advancement opportunities** for current staff members, such as paraprofessionals, who have worked in the community for an extended period of time, to support their efforts to gain the requisite credentials to become classroom instructors;
- **Partnering with preparation providers** including local community colleges, Institutions of Higher Education (IHEs), Minority Serving Institutions, and alternative route providers **to build a pipeline of diverse candidates**;
- Providing **ongoing professional development aimed at cultural competency and responsiveness and equity coaching**, designed to improve conditions for all educators and students, including educators and students from underrepresented minority groups, diverse national origins, English language competencies, and varying genders and sexual orientation;
- Providing time and space for **differentiated support for all teachers**, including affinity group support;
- **Supporting leadership and advancement programs** aimed to improve career and retention outcomes for all educators, including educators from underrepresented minority groups; and
- Developing and implementing other **innovative strategies and systemic interventions designed to better attract, place, support and retain culturally competent and culturally responsive effective educators**, especially educators from underrepresented minority groups, such as having personnel or staff-time dedicated to recruiting diverse candidates of high quality who can best teach to the diversity of the student population.

Recruiting from Other Fields

[ESEA § 2103(b)(3)(C)]

LEAs may use Title II funds to recruit qualified individuals from other fields to become teachers, principals, or other school leaders. Qualified individuals from other fields include mid-career professionals from other occupations, former military personnel, and recent graduates of institutions of higher education with records of academic distinction who demonstrate the potential to become effective teachers, principals or other school leaders.

Class Size Reduction

[ESEA § 2103(b)(3)(D)]

Keeping in mind that the intent and purpose of Title II-A is to strengthen the quality and effectiveness of teachers, principals, and other school leaders the strategy of class-size reduction, while allowable, has limited impact reaching only a very small percentage of teachers and an even smaller percentage of students. The funds must be allocated to minimize class sizes within the set limits, providing a better learning environment for students.

Those LEAs requesting to use Title II-A funds for class size reduction must provide a rationale for the request, along with the measures to be used to determine the impact of this strategy on teacher effectiveness and student performance. In addition, the teacher hired to reduce class size must hold appropriate state licensure. See [NMAC 6.29.1 H](#) for Class Load requirements.

High Quality Professional Learning

[ESEA § 2103(b)(3)(E)]

LEAs may use Title II funds to provide high-quality, personalized professional development for teachers, instructional leadership teams, principals or other school leaders. The professional development must be evidence-based, to the extent ODE (in consultation with LEAs) determines such evidence is reasonably available. The professional development must also focus on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals or other school leaders to:

- Effectively integrate technology into curricula and instruction;
- Use data to improve student achievement and understand how to ensure individual student privacy is protected;
- Effectively engage parents, families and community partners, and coordinate services between school and community;
- Help all students develop the skills essential for learning readiness and academic success;
- Develop policy with school, LEA, community or state leaders; and
- Participate in opportunities for experiential learning through observation.

Defining “Professional Development:” ([Section 8101\(42\)\(B\)\(ix-viii\)](#)) defines professional development, specifically noting that activities are sustained (not stand alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data driven and classroom-focused.

Personalized Professional Development Examples

- Peer-led, evidence-based professional development in LEAs and schools;
- Community of learning opportunities and other professional development opportunities with diverse stakeholder groups such as parents, civil rights groups, and administrators, to positively impact student outcomes; for example, through a forum to discuss the implications of a policy or practice on a school community, or organizing a community-wide service-learning project, where teachers work together afterward to incorporate lessons learned into their teaching;
- Community of learning opportunities where principals and other school leaders engage with their school teams to fully develop broad curriculum models;
- Providing initial and on-going professional learning opportunities to administrators, teachers, and other personnel to effectively implement a multi-tiered system of support;

- Opportunities for principals and other school leaders to collaborate, problem-solve and share best practices;
- “Teacher time banks” to allow effective teachers and school leaders in high-need schools to work together to identify and implement meaningful activities to support teaching and learning. For example, when implementing teacher time banks, Title II funds may be used to pay the costs of additional responsibilities for teacher leaders, use of common planning time, use of teacher-led developmental experiences for other educators based on educators’ assessment of the highest leverage activities, and other professional learning opportunities; and
- Ongoing cultural proficiency training to support stronger school climate for educators and students.

Increasing Teacher Effectiveness for Students with Disabilities and English Learners

[ESEA § 2103(b)(3)(F)]

LEAs may use Title II to develop programs and activities that increase teachers’ ability to effectively teach children with disabilities and English learners, which may include the use of multi-tiered systems of support and positive behavioral intervention and supports. LEAs should coordinate any professional development planned and paid for with Title II funds with their professional development efforts funded under the Individuals with Disabilities Act (IDEA) and Title I-A and Title III of ESEA.

Supporting Early Education

[ESEA § 2103(b)(3)(G)]

LEAs may use Title II funds to support strategies and activities to increase the knowledge base of teachers, principals, or other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing.

LEAs may also use Title II funds to support strategies and activities to increase the ability of principals or other school leaders to support teachers, teacher leaders, early childhood educators, and other professionals to meet the needs of students through age eight, which may include providing joint professional learning and planning activities for school staff and educators in preschool programs that address the transition to elementary school.

Supporting Effective Use of Assessments

[ESEA § 2103(b)(3)(H)]

LEAs may use Title II funds to provide training, technical assistance, and capacity-building to assist teachers, principals, or other school leaders with selecting and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate.

Supporting Awareness and Treatment of Trauma and Mental Illness, and School Conditions for Student Learning

[ESEA § 2103(b)(3)(I)]

LEAs may use Title II funds to carry out in-service training for school personnel in the following:

- The techniques and supports needed to help educators understand when and **how to refer students affected by trauma**, and children with, or at risk of, mental illness;
- The use of referral mechanisms that effectively **link such children to appropriate treatment and intervention services** in the school and in the community, where appropriate;
- **Forming partnerships** between school-based mental health programs and public or private mental health organizations;
- Supporting collaborative problem-solving teams and **school climate/safety teams**; and
- **Addressing issues related to school conditions for student learning**, such as safety, peer interaction, drug and alcohol abuse and chronic absenteeism.

Supporting Gifted and Talented Students

[ESEA § 2103(b)(3)(J)]

LEAs may use Title II funds to provide training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as:

- Early entrance to kindergarten;
- Enrichment, acceleration, and curriculum compacting activities; and
- Dual or concurrent enrollment programs in secondary school and postsecondary education.

Preventing and Recognizing Child Sexual Abuse

[ESEA § 2103(b)(3)(L)]

LEAs may use Title II funds to provide training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse.

Supporting Science, Technology, Engineering, and Mathematics (STEM)

[ESEA § 2103(b)(3)(M)]

LEAs may use Title II funds to develop and provide professional development and other comprehensive systems of support for teachers, principals, or other school leaders to promote high-quality instruction and instructional leadership in science, technology, engineering and mathematics subjects, including computer science.

Improving School Working Conditions

[ESEA § 2103(b)(3)(N)]

LEAs may use Title II funds to develop feedback mechanisms to improve school working conditions. This can include periodically and publicly reporting feedback on educator support and working conditions.

Supporting Postsecondary and Workplace Readiness

[ESEA § 2103(b)(3)(O)]

LEAs may spend Title II funds to provide high-quality professional development for teachers, principals or other school leaders on effective strategies to integrate rigorous academic content, career and technical education, and work-based learning. If appropriate, it may include providing common planning time to help prepare students for postsecondary education and the workforce.

ESEA Equitable Services

Private school teachers, principals, and educational staff can participate in Title II-A professional development services. LEAs must annually consult with private school officials before deciding on professional development activities, ensuring these align with private school needs. These activities should address the specific needs of private school students, teachers, and principals. LEAs must assess these needs individually rather than offering the same services provided to public school teachers.

It is important to note that Title II-A funds cannot be used to pay the salaries or benefits of private school teachers, nor substitutes for private school teachers attending professional development. Additionally, these funds are not provided directly to private schools; instead, the district acts as the fiscal agent, reimbursing providers for their services. Private schools within an LEA's jurisdiction are eligible for equitable services similar to those for public schools, complying with federal requirements such as the ESEA and 2 CFR Part 200.

Funds are allocated proportionately based on eligible students, ensuring equitable access to federal benefits. LEAs must keep thorough documentation of consultations, services, and fund allocations for compliance and audit purposes.

See [ESEA Equitable Services](#)

Program Monitoring

State Education Agency (SEA)

State Education Agencies (SEAs) are dedicated to ensuring compliance and enhancing the quality of teaching and leadership through the effective monitoring of Title II, Part A programs. The New Mexico Public Education Department conducts regular audits, documentation reviews, site visits, and data analysis to ensure Local Educational Agencies (LEAs) meet federal requirements. Findings are reported to the U.S. Department of Education, and necessary corrective actions are taken.

The SEA provides comprehensive technical assistance through training sessions, guidance documents, consultations, and help desks. Additionally, the SEA rigorously reviews reimbursement claims, establishing clear guidelines and deadlines, and conducting compliance checks. This process ensures accurate and compliant claims, maintaining audit-ready documentation for reviews.

Through monitoring, the SEA supports districts in program planning, implementation, and evaluation, ensuring alignment with approved applications and regulatory requirements. This ensures Title II, Part A funds are used effectively to improve educational outcomes and support the professional growth of educators. Compliance and effective monitoring are crucial for the success and sustainability of Title II, Part A programs.

Local Educational Agencies (LEAs)

Federal Eligibility Requirements: To receive Title II, Part A funds, Local Educational Agencies (LEAs) must meet specific federal eligibility criteria. These criteria ensure that the funds are allocated to schools with the greatest need and the potential for the most significant impact.

Determining Factors:

1. **Student Enrollment:** Eligibility is partly based on the number of students enrolled in the LEA. Higher enrollment can indicate a greater need for resources to support effective instruction.
2. **Poverty Levels:** Another critical factor is the poverty level within the LEA. Schools with higher percentages of students from low-income families are prioritized, as these students often face additional challenges that Title II, Part A funds can help address.

Application Process: LEAs must submit detailed applications demonstrating their eligibility and outlining how they plan to use the funds to enhance educational outcomes. The application should include data on student enrollment, poverty levels, and specific needs identified through a comprehensive needs assessment.

Documentation and Compliance: To maintain eligibility for Title II, Part A funds, LEAs must keep accurate records and documentation of how the funds are utilized. This involves ensuring that expenditures comply with federal, state, and local regulations, particularly adhering to [2 CFR Part 200](#) (Uniform Guidance). These guidelines provide a comprehensive framework for managing federal funds, emphasizing the importance of robust internal controls, financial integrity, and accountability. By adhering to these regulations, LEAs can ensure that expenditures are necessary, reasonable, and allocable, thus preventing misuse of funds and promoting transparency in financial management. Following these guidelines demonstrates an LEA's commitment to fiscal responsibility and regulatory compliance.

By adhering to these guidelines, LEAs can ensure that Title II, Part A funds are used effectively and in compliance with federal regulations, ultimately supporting the goal of improving educational outcomes for all students.

Glossary of Terms

The following definitions are taken directly from the ESSA Section 8101, EDGAR, and the UGG.

1. **Cost Objective**—The term “cost objective” means a program, function, activity, award, organizational subdivision, contract, or work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capital projects, etc. A cost objective may be a major function of the non-Federal entity, a particular service or project, a Federal award, or an indirect (Facilities & Administrative - F&A) cost activity.
2. **Elementary and Secondary Education Act (ESEA)** – ESEA, which was first enacted in 1965, is the principal federal law affecting K-12 education. The Every Student Succeeds Act is the most recent reauthorization of the ESEA.
3. **Evidence-based**— 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—strong evidence from at least one well-designed and well-implemented experimental study; moderate evidence from at least one well-designed and well- implemented quasi-experimental study; or promising evidence from at least one well designed and well- implemented correlational study with statistical controls for selection bias; or
 - (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) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.
4. **Fiscal Year (FY)** — The period of time between July 1 and June 30 of any given year.
5. **Gifted and Talented**—The term “gifted and talented”, when used with respect to students, children, or youth, means students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school to fully develop those capabilities.
6. **Local Education Agency (LEA)** – A public board of education or other public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district or other political subdivision of a state, or of/for a combination of school districts or counties that is recognized in a state as an administrative agency for its public elementary schools or secondary schools. In short, an LEA is the term used for a school district.
7. **Other School Leaders**—Refers to individuals who are not principals or assistant principals but still carry significant instructional leadership and management responsibilities. These individuals:
 - (C) Are employees or officers of an elementary or secondary school, local educational agency, or other school-operating entity, or
 - (D) Are responsible for overseeing daily instructional leadership and managerial operations within the school(s).
8. **Paraprofessional**—The term “paraprofessional”, also known as a “paraeducator”, includes an education

assistant and instructional assistant.

9. **Parental Involvement**—The term “parental involvement” means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—
- (A) that parents play an integral role in assisting their child’s learning;
 - (B) that parents are encouraged to be actively involved in their child’s education at school;
 - (C) that parents are full partners in their child’s education and are included, as appropriate, in decision making and on advisory committees to assist in the education of their child; and
 - (D) the carrying out of other activities, such as those described in section 1116.
10. **Professional Development**—The term “professional learning” means activities that—
- (A) are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards; and
 - (B) are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities that—
 - (i) improve and increase teachers’--
 - (I) knowledge of the academic subjects the teachers teach;
 - (II) understanding of how students learn; and
 - (III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;
 - (ii) are an integral part of broad schoolwide and districtwide educational improvement plans;
 - (iii) allow personalized plans for each educator to address the educator’s specific needs identified in observation or other feedback;
 - (iv) improve classroom management skills;
 - (v) support the recruitment, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;
 - (vi) advance teacher understanding of—
 - (I) effective instructional strategies that are evidence-based; and
 - (II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;
 - (vii) are aligned with, and directly related to, academic goals of the school or local educational agency;
 - (viii) are developed with extensive participation of teachers, principals, other school leaders, parents, representatives of Indian tribes (as applicable), and administrators of schools to be served under this Act;
 - (ix) are designed to give teachers of English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;
 - (x) to the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology (including education about the harms of copyright piracy), so that

technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;

(xi) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

(xii) are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;

(xiii) include instruction in the use of data and assessments to inform and instruct classroom practice;

(xiv) include instruction in ways that teachers, principals, other school leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;

(xv) involve the forming of partnerships with institutions of higher education, including, as applicable, Tribal Colleges and Universities as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), to establish school-based teacher, principal, and other school leader training programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions;

(xvi) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;

(xvii) provide follow-up training to teachers who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and

(xviii) where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.

11. **State Educational Agency (SEA)** – The agency primarily responsible for the state supervision of public elementary schools and secondary schools (i.e., Kentucky Department of Education).
12. **Well-Rounded Education**—Under the Every Student Succeeds Act (ESSA), a **well-rounded education** is defined as one that provides students with opportunities to learn across a broad range of subjects and disciplines. This includes not only core academic subjects like math and reading, but also subjects such as music, art, foreign languages, physical education, and civics. The goal is to ensure that students receive a comprehensive education that prepares them for success in college, careers, and life.

Other References

[State and District Use of Title II, Part A Funds in 2022–23](#), May 2024

[ESSA Title II Part A Guidance \(PDF\)](#), September 27, 2016

[Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments \(PDF\)](#), September 2023

[Cost Allocation Guide for State and Local Governments](#), 2019

*****New federal regulatory guidance will be provided by the US Department of Education in 2025.**

Title IV Part A

Grant Purpose

Title IV, Part A (T4A) is a U.S. Department of Education grant program authorized under the Elementary and Secondary Education Act (ESEA) which provides supplemental funding to help support student academic achievement and enrichment. The state allocates at least 95% of their federal funds to LEAs. This grant, also referred to as SSAE, Student Support and Academic Enrichment, awards Title IV, Part A funds to state educational agencies (SEAs), which then sub-grant funds to local education agencies (LEAs) which include public school districts and state-chartered charter schools. Awarded amounts are based on the number of students from low-socioeconomic status.

The purpose of Title IV, Part A is to improve students' academic achievement by increasing the capacity of LEAs to:

1. Provide all students with access to a well-rounded education,
2. Improve school conditions for student learning by fostering safe, healthy, supportive, and drug-free environments, and
3. Provide personalized learning experiences supported by technology and professional development for the effective use of technology.

Grant Compliance Requirements

For SSAE awards greater than \$30,000 made to districts, charter schools or consortia, at least 20% of the fund must be used for activities in well-rounded education (section 4107), at least 20% must be used for activities in safe and healthy students (section 4108), and an amount greater than 0 must be used for activities in effective use of technology (section 4109).

For SSAE awards less than \$30,000, the subgrantee may choose to expend the funds among one or more of the expenditure categories (sections 4107, 4108 and 4109) as best meets the subgrantee's needs.

For all subgrantees, no more than 15% of the award amount budgeted in effective use of technology (section 4109) may be spent on software, devices, technology infrastructure, and digital instructional resources (media).

The content area use requirements are met based on the grant year of the award, not on the fiscal year in which the funds are expended. For example, subgrantees must meet the SSAE content area spending percentages for the FY26 award, whether those funds are spent in the 25-26 school year or as carryover in the 26-27 school year. The content area percentage requirements do not apply separately to the portion of the allocation spent in the initial year and then again to any portion of the award carried over and spent in the subsequent year.

Grant-specific Guidance, Including Allowability

Well-Rounded Education (4107)

Well-rounded education is one of three allowable expenditure categories for the SSAE grant. For subgrantees receiving an allocation of \$30,000 or more in SSAE funds, at least 20 percent of the award must be allocated to well-rounded education activities (4106(e)(2)(C)).

Well-rounded education is a broad category. It is defined in ESSA as “courses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economic, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the State or local educational agency, with the purpose of providing all students access to an enriched curriculum and educational experience” (8101(52)).

Expenses for core curriculum programming and remediation are not allowable as part of well-rounded education (4107), as those expenses would be supplanting. However, supplementary expenses related to a core-content course may be allowable. For instance, while it would not be allowable to pay for a math teacher to teach required math courses, it may be allowable to purchase model rockets to explore the mathematics of rocket trajectory in a required math course. While the expense of a teacher is a required expense, the rockets are not and are part of an activity that enriches the curriculum.

The following may serve as objectives for Title IV Part A programming:

- Increasing student access to critical and enriching subjects
- Improve student engagement and achievement
- Reimburse low-income students to cover part or all of the costs of accelerated learning examination fees

The following are highlighted in Title IV Part A federal statute:

- High-quality courses in science, technology, engineering, mathematics, computer science (STEM)
- Activities and programs in music and the arts
- Foreign languages
- Accelerated learning programs
 - Post secondary level courses (Dual Credit)
 - Post secondary level instruction and exams (AP)
 - Reimbursing low-income students to cover part of or all the costs of accelerated learning exams
- College and career guidance and counseling programs:
 - Post secondary education and career awareness and exploration activities
 - Training counselors in assisting students with postsecondary education and career planning
 - Financial literacy and federal financial aid awareness activities
- Activities to teach traditional American history, civics, economics, geography, or government education
- Environmental education
- Programs and activities that promote volunteerism and community involvement
- Multi-disciplinary programs and activities
- Social-emotional learning program

Safe and Healthy Students (4108)

Safe and healthy students is the second of three allowable expenditure categories for the SSAE grant. For subgrantees receiving an allocation of \$30,000 or more in SSAE funds, at least 20 percent of the award must be allocated to safe and healthy student activities (4106(e)(2)(D)).

Expenditures in safe and healthy students are meant to improve school conditions for student learning and may address, among other issues, managing chronic diseases in school, obesity, drug use, mental health disorders and support for expectant

and parenting youth. Expenditures may also support parent involvement in safe and healthy student activities.

Allowable SSAE expenditures in safe and healthy students generally includes any program or activity that fosters safe, healthy, supportive, and drug-free school environments, which may include a plan to reduce exclusionary discipline. Activities may be direct student services and professional development and training for school staff.

The following may serve as objectives for Title IV Part A programming:

- Implement mental health awareness training programs
- Expand access to or coordinate resources for school-based counseling and mental health programs
 - Integrate health and safety practices
 - Promote student safety and violence prevention through effective communication

The following are highlighted in Title IV Part A federal statute:

- A. Drug and violence prevention programs and activities:
 - Programs to educate students against the use of alcohol, tobacco, marijuana, vaping
 - PD and training for educational staff in prevention education, early identification, intervention mentoring, recovery support services, rehabilitation referral
 - B. School-based mental health services:
 - Early identification of mental health symptoms, drug use, and violence, and appropriate referrals to direct or group counseling services
 - School based mental health services partnership programs
 - C. Other programs or activities that:
 - Integrate health and safety practices into school or athletic programs
 - Support a healthy, active lifestyle including nutrition education, regular structured physical education activities and programs
- Address chronic disease management with instruction led by nurses or other specialists/professionals
- Help prevent bullying and harassment
 - Improve instructional practices for developing relationship-building skills
 - Provide mentoring and school counseling to all students including those who are at the risk of academic failure, dropping out of school, involved in criminal or delinquent activities, or drug use and abuse
 - Establish or improve school dropout and re-entry programs
- D. High-quality training for school staff related to:
 - Suicide prevention
 - Effective and trauma-informed practices in classroom management
 - Crisis management and conflict resolution techniques
 - Human trafficking
 - School-based violence prevention strategies
 - Drug abuse prevention
 - Child abuse
 - Bullying and harassment prevention
 - E. Sexual abuse awareness and prevention programs and activities
 - Instruction for students
 - Information to parents and guardians
 - F. Design and implement a local-created plan to reduce exclusionary discipline practices in elementary and secondary schools
 - G. Implementation of schoolwide positive behavioral interventions and supports
 - H. Designate a site resource coordinator to provide a variety of services:
 - Establish partnerships within the community to provide resources and support for schools

- Ensuring that all service and community partners are aligned with the academic expectations of a community school in order to improve student success
- Strengthening relationships between schools and communities
- Pay for success initiatives aligned with safe and healthy schools

NOTE: LEAs receiving funds under this title shall obtain prior written, informed consent from the parent of each child who is under 18 years of age to participate in any mental-health assessment or service that is funded under this title and conducted in connection with an elementary school or secondary school under this title.

Expenditures **not allowed** under Safe and Healthy Students include infrastructure expenses related to security such as bulletproof glass, door locks, cameras, walkie-talkies, radios, and cell phones. Expenses related to security personnel, such as security guards, are also unallowable.

Effective Use of Technology (4109)

Effective use of technology is the final allowable expenditure category for the SSAE grant. For subgrantees receiving an allocation of \$30,000 or more in SSAE funds, some amount of the award (greater than \$0) must be allocated to effective use of technology (4106(e)(2)(E)).

Allowable 4109 activities focus on increasing effective use of technology to improve the academic achievement, academic growth, and digital literacy of all students. This content area also emphasizes increasing student access to personalized rigorous learning experiences supported by technology. Allowable activities support professional development and training resources that provide for effective use of data and technology.

Professional development activities, including the purchase of books, and other non-digital instructional resources, may support blended learning opportunities for students, sharing of digital (including open- source) resources, and using data to personalize instruction.

No more than 15% of the funds budgeted into the effective use of technology expenditure category may be used to pay for software, devices, digital instructional resources, or infrastructure. For example, a district with a \$100,000 award may allocate up to \$60,000 of its award to section 4109 activities. Of the \$60,000 allocated to section 4109 activities only \$9,000 (15%) may be used to purchase Chromebooks, iPads, software, or other technology infrastructure.

*Well-Rounded Education (4107) is often a better strategy for purchasing equipment for educational purposes, such as equipment for STEM classes.

The following may serve as objectives for Title IV Part A programming:

- Identify and address technology readiness needs including infrastructure and access available to the students including: computer devices, access to school libraries, internet connectivity, operating systems, software, network infrastructure, and data security
- Use technology to support the learning needs of all students including children with disabilities and English learners.
- Support teachers in using data and technology to improve instruction and personalize learning
- Supporting schools in rural and remote areas to expand access to high-quality digital learning opportunities.
- Specialized or rigorous academic courses and curricula through the use of technology, digital learning, increased access to online dual or concurrent enrollment opportunities, career and technical courses, programs leading to a postsecondary credential.

- Provide educational staff with the knowledge and skills to use technology effectively.
- Making instructional content widely available through open educational resources

The following are highlighted in Title IV Part A federal statute:

- A. Providing education staff with the professional learning tools, devices, content, and resources to:
 - Personalize learning to improve student academic achievement
 - Discover and share relevant high-quality educational resources
 - Use technology effectively in the classroom including computer based assessments and blended learning strategies
 - Implement and support school and district wide approaches for using technology to inform instruction, support teacher collaboration, and personalize learning
- B. Build technological capacity and infrastructure:
 - Procuring content and ensuring content quality
 - Purchasing devices, equipment, and software applications
- C. Develop or use effective or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital technology, and assistive technology
- D. Carry out blended learning projects
- E. Providing professional development in the use of technology to enable teachers to increase student achievement in STEM.
- F. Provide students in rural, remote, and underserved areas with the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses

Program-specific Timelines

SPRING	<ul style="list-style-type: none"> ● LEAs submit the Title IV Report and Risk Analysis in order for the state to complete annual reporting with the Consolidated State Performance Report (CSPR) ● Subgrantees complete evaluation of SSAE activities to determine effectiveness. ● Preliminary awards are provided to LEAs (including state charters) in the spring for the upcoming school year. ● Consultation with the stakeholder groups should begin in preparation for the upcoming year. ● Consultation with local private, non-profit schools occurs in preparation for the upcoming year. ● Comprehensive needs assessment (if required) is completed. ● Eligible districts and state-charter schools apply for Title IV Part A funds through the Unified Application. In the Title IV submodule, eligible districts and state-charter schools will describe how the subgrantee proposes to use the award. The Unified Application will be due in mid-late April Budgets aligning with this application are submitted through OBMS.
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SUMMER	<ul style="list-style-type: none"> ● Each subgrantee’s application goes through a review process during the summer months, and upon final PED approval, documentation of approval is sent to the subgrantee. Staff reviewing applications contact subgrantee staff for clarification and additional information necessary to approve the application.
FALL	<ul style="list-style-type: none"> ● Begin gathering information for the required report on prior year expenditures and activities from the SSAE grant. Reporting must include the amount spent in each of the expenditure categories: well-rounded education, safe and healthy students, and effective use of technology. This information is submitted later in the Spring for the Title IV Report and Risk Analysis.
WINTER	<ul style="list-style-type: none"> ● Subgrantee consultation with the stakeholder groups required in 4106(c) should continue. ● Subgrantees are encouraged to continue their spending of funds according to their plans and submit requests for reimbursements (RFRs). ● Final awards for each LEA are calculated. Districts must adjust their budgets to account for amounts carried over or unspent from the previous year, and for final awards. LEAs will receive carryover letters from the PED informing them of the amount they MAY submit a BAR for the additional funds.

Title V Part B

Grant Purpose

Title V, Part B of the Elementary and Secondary Education Act (ESEA), as amended, is the Rural Education Achievement Program (REAP) which is designed to help rural districts and state charter schools use Federal funding more effectively to address their unique needs. The formula grant funds, and the fund use flexibility available under REAP allow rural districts and state charter schools to participate more fully and effectively in many of the federal programs and thus provide better educational services to their students.

There are two programs authorized under REAP:

- 1) Small, Rural School Achievement (SRSA) program (administered by U.S. Department of Education)
- 2) Rural and Low-Income School (RLIS) program

An LEA that is eligible for both RLIS and SRSA (dual-eligible) must choose one of the programs and may not apply for both. Please note that the Unified Federal Application includes only RLIS; SRSA is directly administered by the U.S. Department of Education.

The Unified Federal Application includes a short description or summary of how previous RLIS subgrant awards have impacted student outcomes; the LEA would include in the summary outcomes from at least the most recent RLIS subgrant. The information included informs the plans for use of funds for the RLIS application for the upcoming fiscal year.

Grant Compliance Requirements

The Rural and Low-Income School Program (RLIS)

RLIS Use of Funds

In general, RLIS funds can be used for allowable activities under Title I, Part A, Title II, Part A, Title III, Title IV, Part A, and Parental Involvement Activities. RLIS funds must be used to supplement and not supplant any other Federal, State, or local funds. Funds may be used to support initiatives for improving school performance and student achievement, please see table below for some examples. Please note, the list is not exhaustive and only a small sample of activities is included.

Program Area	Example
Title I, Part A — Improving Basic Programs Operated by LEAs	Activities designed to increase access and prepare students for success in high-quality advanced coursework to earn postsecondary credit while in high school (could include dual or concurrent enrollment, Advanced Placement, early college high schools, International Baccalaureate)

Title II, part A — Supporting Effective Instruction	Developing or improving evaluation and support systems for teachers, principals, and other school leaders
Title III — Language Instruction for English Learners and Immigrant Students	Supplemental professional development for teachers of English learner (EL) students.
Title IV, Part A — Student Support and Academic Enrichment	Providing students in rural, remote, and underserved areas with digital resources
Parental Involvement Activities	Creation of a parental advisory committee to provide input on various education topics

Grant-specific Guidance, Including Allowability

When determining if an activity or proposed expenditure meets the requirements of RLIS, please consider some of the following questions:

Does the cost meet all allowability requirements under 2 CFR 200.403?

- Is the cost necessary and reasonable for the performance of the Federal award, and allocable thereto?
- Does the cost conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items?
- Is the cost consistent with policies and procedures that apply uniformly to both federally financed and other activities of the non-Federal entity?
- Is the cost accorded consistent treatment as either direct or indirect?
- Is the cost determined to be in accordance with generally accepted accounting principles (GAAP)?
- Costs cannot be included as a cost or used to meet cost sharing or matching requirements of any other federally financed program in either the current or a prior period. Is the cost being used this way?
- Is the cost adequately documented?
- Is the cost being incurred during the approved budget period?

Is the proposed expenditure or activity allocable?

Is the activity incurred specifically for the purpose of RLIS? If the cost benefits more than RLIS, is the cost distributed in proportions that may be approximated using reasonable methods?

- 2 CFR § 200.405 requires that charges to federal awards be allocated “in accordance with the relative benefits received.”

Is the cost necessary and reasonable?

Is the cost necessary for supporting initiatives for improving school performance and student achievement?

- Is the nature and amount of the cost such that a prudent person under the circumstances prevailing at the time the decision was made would incur? [2 CFR 200.404]
- Is the cost reasonable as compared to fair market prices for similar and comparable goods or services?
- Are all applicable purchasing or procurement codes followed?

Supplement, Not Supplant Requirement

RLIS funds shall be used to supplement, and not supplant, any other Federal, State, or local education funds. [ESEA, as amended, section 5232]

Please see below for the three situations when it will be presumed that supplanting has occurred, and the district or state charter school will have to demonstrate that the proposed activity is supplemental—

- If the activity is one that would ordinarily be covered with other Federal, State, or local funds (for example, in most cases, standard textbook purchases would ordinarily be covered with State or local funds),
- If the district or state charter school previously funded the activity with other Federal, State, or local funds, or
- If the activity is State-mandated or required by Federal law (for example, provision of certain services to English learners required by Federal civil rights laws (Lau v. Nichols 1974))

(Information Document on the Rural Education Achievement Program, 2021)

Thus, when considering whether an activity is supplemental, there are three guiding questions which are based on the above three situations:

1. Is the activity one that would ordinarily be covered with other Federal, State, or local funds (for example, in most cases, standard textbook purchases would ordinarily be covered with State or local funds)?
2. Has the district or state charter school previously funded the activity with other Federal, State, or local funds?
3. Is the activity State-mandated or required by Federal law (for example, Lau v. Nichols (1974) requirements for services for English learner students)?

For example, if the district or state charter school determines that no other Federal, State, or local funds are available to fund the proposed activity, then it may be possible RLIS funds could be used for the activity. Another example could include the following scenario: A district or state charter school with a Title I targeted assistance school program could supplement an afterschool program, where Title I funds are used for the program for Title I eligible students, with RLIS funding to expand the afterschool program to students who are not Title I eligible.

It is difficult to provide general guidelines on the supplement, not supplant requirement without examining the fact-specific details of a given situation. Please contact the SSFS Bureau for clarification of the specific details of the district or state charter school's situation.

Grant Allocation Procedures

A school district or state charter school is eligible to participate in the RLIS program if it meets the criteria of being both low-income and rural [ESEA section 5221(b)(1)].

1. To be considered low-income, 20 percent or more of the children ages five to seventeen served by a district or state charter school must be from families with incomes below the poverty line, based on data from the U.S. Census Bureau's Small Area Income and Poverty Estimates (SAIPE).
2. To be considered rural, all schools comprising the LEA must have a school locale code of 32, 33, 41, 42, or 43 (assigned by NCES), or be in an area of the State defined as rural by a governmental agency of the State.

The U.S. Department of Education determines the eligible LEAs. NMPED then awards the RLIS subgrants based on the students in average daily attendance (ADA) served by the eligible districts or state charter schools.

Contact Information

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