



# Beyond Recovery

## Funding High-Impact Tutoring for the Long-Term

BRIEF PREPARED BY

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# About Accelerate

*Accelerate is a nonprofit organization, incubated and launched by the national nonprofit America Achieves, that seeks to embed high-impact tutoring programs into public schools now and for the long term. Launched in April 2022 with an initial fund of \$65 million, Accelerate funds and supports innovation in schools, launches high-quality research, and advances a federal and state policy agenda to support this work.*

*Accelerate is leading efforts to improve practice on multiple fronts, including as a lead technical assistance partner to the National Partnership for Student Success (NPSS). The NPSS is a joint partnership of more than 100 organizations, The Department of Education, AmeriCorps, and the Johns Hopkins Everyone Graduates Center to launch a new coalition formed to expand high-quality tutoring, mentoring, and other evidence-based support programs, with the goal of ensuring an additional 250,000 adults serve in these roles over the next three years.*

*Accelerate is supported by Citadel founder and CEO Kenneth C. Griffin; Arnold Ventures; the Bill & Melinda Gates Foundation; the Overdeck Family Foundation; and the Walton Family Foundation.*

*For more information, visit [www.accelerate.us](http://www.accelerate.us).*



# An Introductory Note from Accelerate

**N**ow more than ever, states and districts must ensure that resources are prioritized to address student needs and that investments are directed towards strategies and practices that are backed by evidence validating their impact. Tutoring—more specifically, high-impact tutoring—is a strategy backed by research that has great potential to accelerate student learning and drive results. Embedding tutoring in our public schools can also provide solutions to other educational challenges, such as by creating talent pipelines to address staffing shortages experienced by schools across the country. Unsurprisingly, many states have invested COVID-19 relief funds to launch or expand access to tutoring programs for students.

The purpose of this brief is to highlight the major U.S. Department of Education (ED) grant programs school districts can use to sustain tutoring initiatives after ED’s COVID-19 relief programs end. This brief focuses primarily on Title I and Title II of the Elementary and Secondary Education Act (ESEA) and Part B of the Individuals with Disabilities Act (IDEA).

The table below summarizes the key points for how ESEA Title I and II and IDEA funds can support tutoring long-term, with the details provided within the corresponding section of the brief.

<b>Title I, Part A of ESEA</b>	<ul style="list-style-type: none"><li>▶ Tutoring to support students in meeting state academic standards,</li><li>▶ Initiatives to increase the amount and quality of learning time,</li><li>▶ High-quality instructional materials,</li><li>▶ Assessment of student needs and progress, and</li><li>▶ Family engagement programs.</li></ul>
<b>Title II, Part A of ESEA</b>	<ul style="list-style-type: none"><li>▶ High-quality, personalized professional development that builds teachers’ content knowledge, data use, and family engagement,</li><li>▶ Induction programs that support teacher candidates in gaining practical experience by tutoring students, and</li><li>▶ Initiatives that support effective teachers and paraprofessionals to tutor to promote professional growth and emphasize multiple career paths.</li></ul>
<b>Part B of IDEA</b>	<ul style="list-style-type: none"><li>▶ Tutoring for a student with disabilities if consistent with the student’s IEP,</li><li>▶ High-quality instructional materials to support tutoring,</li><li>▶ Assessment of student needs and progress, and</li><li>▶ Professional development for staff that provide tutoring focused on meeting the needs of students with disabilities.</li></ul>

## A Note About What's Covered

Although this brief is organized by program, federal law permits coordination across programs. For example, school districts can support different parts of a tutoring initiative with different funding sources, sometimes known as braiding funds.<sup>1</sup>

Braiding funds is less common despite its value. This, in part, is because it requires a high level of coordination across offices. Such coordination, however, is often stymied by misperceptions about ED programs. ED programs are typically earmarked for certain students or activities, and they are governed by complicated rules, all of which makes it difficult to understand how services and spending could be coordinated.

For example, Title I is governed by a spending rule known as “supplement not supplant.” The goal of this rule is to ensure Title I provides extra money to support eligible students without replacing the state and local funds districts would otherwise spend on education. This rule, however, is often misinterpreted to mean Title I funded services must be different from state and locally funded services. This is not correct and inhibits the reach of Title I. A school district could, for instance, use Title I and supplemental state and local funds for a coordinated initiative to provide tutoring to students who need additional academic support. Title I could support the cost of the tutoring in Title I schools and supplemental state and local funds could support the cost in non-Title I schools.<sup>2</sup>

A deep dive into braiding funds is beyond the scope of this brief, but some of the misperceptions that inhibit coordination are briefly explored in the sections below.

All the programs covered in this brief are *state-administered programs*, meaning [states play a key role](#) in distributing funds to school districts and overseeing spending. State oversight policies and practices have a significant effect on school district spending, so it is important to take them into account.

Other rules not addressed in this brief also influence ED grant spending. We have included an Appendix that provides additional guidance about compliance concerns and considerations regarding “supplement not supplant.” Yet, this is still not an exhaustive review of all the relevant considerations.

Accordingly, please view this brief as a starting point to identify potential ED funding sources for tutoring initiatives; this is not legal advice. Whether a particular expense can be charged to a particular program depends on many issues, and readers are encouraged to conduct their own analyses based on ED law, regulations, and guidance.

Please see endnotes on pages 14–15 for all cited sources in this brief.

# Title I, Part A of the Elementary and Secondary Education Act

## Overview of Title I

Title I provides supplemental funding to help districts and schools affected by poverty expand opportunities for educationally disadvantaged students.

Nearly every school district receives Title I funds. Districts keep some of the funds to provide services centrally and distribute the rest to selected schools through a process often known as *ranking and serving*.<sup>3</sup> (Also note that Title I's ranking and serving requirements only apply to school districts with an enrollment of 1,000 or more students.<sup>4</sup>) While in general, schools are eligible for Title I funding based on poverty levels, not every eligible school necessarily receives funding. A district might, for example, choose not to serve eligible schools with lower poverty rates so it can concentrate funds in its highest poverty schools. Districts also have some discretion to prioritize one grade span over another, as highlighted later in this section.

Schools that receive Title I funding (Title I schools) can provide services in one of two ways, through:

- ▶ **A *schoolwide program model***, where the school may use Title I funds to upgrade its entire educational program and all students in the school can participate in Title I funded activities,<sup>5</sup> or
- ▶ **A *targeted assistance program model***, where the school must use Title I funds to provide additional supports to specific students struggling to meet state standards.<sup>6</sup>



## How Title I Can Support Tutoring

Title I can pay for many services including:

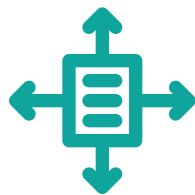
- ▶ Tutoring to support students in meeting state academic standards,<sup>7</sup>
- ▶ Initiatives to increase the amount and quality of learning time,<sup>8</sup>
- ▶ High-quality instructional materials,<sup>9</sup>
- ▶ Assessment of student needs and progress,<sup>10</sup> and
- ▶ Family engagement programs.<sup>11</sup>

In Title I schools operating *schoolwide programs*, all students may participate in Title I-funded services.<sup>12</sup> Services should be consistent with the school's needs and schoolwide plan.<sup>13</sup> In Title I schools operating *targeted assistance programs* only identified eligible students may participate in Title I-funded services.<sup>14</sup>

Tutoring services could be supported with Title I through individual school allocations or through Title I funds reserved at the district level.<sup>15</sup>

## Issues to Consider if Title I Is Used to Support Tutoring

### Scope of Services



Title I services are limited to schools that receive Title I funding and sometimes to certain students within those Title I schools. In most circumstances, Title I could not pay for a universal *district-wide* tutoring program.<sup>16</sup> The only exception is if every school in a district receives Title I funds, operates a schoolwide program, and the tutoring program is consistent with each school's needs and schoolwide plan.

### Schools Served by Title I



School districts have considerable discretion over which of their schools receive Title I funding<sup>17</sup> and tend to prioritize their elementary schools.<sup>18</sup> The Title I law has options for districts to better serve middle and high schools,<sup>19</sup> but these options are not well understood. For example, after funding all schools with a 75% poverty rate or higher, districts are permitted to fund *high schools* with at least a 50% poverty rate before serving other schools.

Districts are also permitted to use alternate poverty measures for its secondary schools (typically middle and high schools) to more accurately capture poverty levels, such as feeder patterns. If a district is considering ways to increase support for tutoring programs in middle and high schools, it might consider these options.<sup>20</sup>

### Personnel Qualifications



Teachers and paraprofessionals that provide tutoring in a Title I program must meet certain qualification requirements.<sup>21</sup> In short, ESEA requires Title I teachers to meet state qualification requirements, and Title I paraprofessionals to meet state and federal qualification requirements.<sup>22</sup>

These qualification requirements **do not** apply to volunteers or contractors,<sup>23</sup> although state and local rules may apply.

# Title II, Part A of the Elementary and Secondary Education Act

## Overview of Title II

Title II provides supplemental funding to help support effective instruction. Nearly every school district receives Title II funds.<sup>24</sup>

## How Title II Can Support Tutoring

Title II cannot pay for student services, but school districts can use Title II funds for a wide range of activities to support the quality and effectiveness of educators.<sup>25</sup> Educator effectiveness activities related to tutoring could include:

- ▶ High-quality, personalized professional development that builds teachers' content knowledge, ability to use data to improve student achievement, and ability to engage effectively with parents and families.<sup>26</sup> The professional development should be evidence-based, to the extent the state, in consultation with its school districts, determines evidence is reasonably available.
- ▶ Induction programs that support teacher candidates in gaining practical experience by tutoring students.<sup>27</sup>
- ▶ Initiatives that support effective teachers and paraprofessionals to tutor as a way to promote professional growth and emphasize multiple career paths.<sup>28</sup>



# Issues to Consider if Title II Is Used to Support Tutoring

## Prioritizing High-Need Schools



School districts must prioritize Title II funds to schools that:

- ▶ Are implementing comprehensive support and improvement (CSI) activities and targeted support and improvement (TSI) activities as determined through state accountability systems, and
- ▶ Have the highest percentage of economically disadvantaged students.<sup>29</sup>

## Stakeholder Engagement



School districts must consult meaningfully with a wide array of stakeholders on the LEA's plan for carrying out Title II activities.<sup>30</sup> Districts must also conduct ongoing consultation with those stakeholders to update and improve activities supported with Title II funds.<sup>31</sup>





# Part B of the Individuals with Disabilities Education Act

## Overview of IDEA, Part B

IDEA, Part B provides supplemental funding to school districts to help provide special education and related services to children with disabilities.<sup>32</sup> The grant is awarded in two parts: Section 611 funds support students with disabilities ages 3 to 21, and Section 619 funds support students with disabilities ages 3 to 5.

## How IDEA, Part B Can Support Tutoring

Generally, districts may spend IDEA, Part B funds on any reasonable cost to provide a free appropriate public education to students with disabilities. This can include providing the services called for in student IEPs as well as more systemic activities to meet the needs of students with disabilities like recruiting and retaining qualified staff, training and supporting staff, data collection and analysis, and more.<sup>33</sup>

For example, districts could use IDEA, Part B funds to pay for:

- ▶ Tutoring for a student with disabilities if consistent with the student's IEP,<sup>34</sup>
- ▶ High-quality instructional materials to support tutoring,<sup>35</sup>
- ▶ Assessment of student needs and progress,<sup>36</sup> and
- ▶ Professional development for staff that provide tutoring focused on meeting the needs of students with disabilities.<sup>37</sup>

School districts could also spend some of their IDEA, Part B funds (up to 15%) to provide tutoring to students who have not yet been identified as having a disability but who need additional support to succeed in the classroom.<sup>38</sup> This is an option known as *voluntary coordinated early intervening services*.



# Issues to Consider if IDEA, Part B Is Used to Support Tutoring

## Specially Designed Instruction



IDEA requires that school districts provide special education and related services to students with disabilities so they can receive a free appropriate public education, which includes providing students with disabilities specially designed instruction to address their unique needs.

It is often assumed that specially designed instruction refers to unique services offered only to students with disabilities, that is, services that are distinct from the services provided to nondisabled students. This is not accurate. As ED has clarified:

The fact that some services may also be considered “best teaching practices” or “part of the district’s regular education program” does not preclude those services from meeting the definition of “special education” or “related services” and being included in the child’s IEP. The LEA must provide a child with a disability specially designed instruction that addresses the unique needs of the child that result from the child’s disability, and ensures access by the child to the general curriculum, *even if that type of instruction is being provided to other children, with or without disabilities, in the child’s classroom, grade, or building.*<sup>39</sup> (Emphasis added)

In practice, this means IDEA can support a service for a student with disabilities even if a nondisabled student receives the same service through another funding source. For example, a district could use a combination of IDEA and another funding source to provide the same reading intervention to students with and without disabilities who need it.<sup>40</sup>

This means that the fact that students with and without disabilities receive similar tutoring services does not, by itself, rule out IDEA as a source of funding.

## Professional Qualifications



School districts must ensure that tutors providing IDEA services are appropriately and adequately prepared with state personnel qualification standards.<sup>41</sup> There are special qualification considerations for special education teachers<sup>42</sup> and for related service providers and paraprofessionals.<sup>43</sup> Other staff can also support students with disabilities as long as they are appropriately and adequately prepared and trained consistent with state qualification requirements.

## Other Funding Sources to Consider

School districts could potentially use other ED grants to support tutoring services including:

- ▶ **School Improvement Funds under Section 1003 of the Elementary and Secondary Education Act**, which districts can use for improvement activities in schools identified for improvement, including tutoring.<sup>44</sup>
- ▶ **Title III, Part A of the Elementary and Secondary Education Act**, which districts can use for supplemental activities to assist English learners (ELs) in learning English and meeting state academic standards.<sup>45</sup>
- ▶ **Title IV, Part A of the Elementary and Secondary Education Act**, which districts can use to help students access a well-rounded education.<sup>46</sup>
- ▶ **McKinney Vento Homeless Education funds**, which districts can use to assist children and youth experiencing homelessness in enrolling, attending, and succeeding in school, including tutoring.<sup>47</sup>



## Closing Notes from Accelerate

This resource includes guidance on how existing streams of federal funding can help support the long-term sustainability of high-impact tutoring during the school day. So, what next? Policymakers, as well as system and school leaders, must start to plan now for the sunset of ESSER funds during the 2024–2025 school year. Our recommendations include:

- ▶ **Policymakers** should pursue opportunities to allocate additional funding towards in-school day, high-impact tutoring, in time for the 2025 fiscal year. In tandem, policymakers could streamline policies to provide clarity and guidance for local system and school leaders' use of federal funding.
- ▶ **State and district system leaders** should consider carry-forward dollars in federal funding streams that may have grown with the availability of ESSER. Tutoring programs could be further prioritized by using state and district set-asides across these funding streams.
- ▶ **School leaders** should use their Title I allocations to support their students' learning needs by leveraging tutoring as an evidence-based intervention.

The key to successfully moving beyond recovery to long-term, sustainable impact on student learning and achievement is through thoughtful planning and forecasting, as well as advocacy. Students across the country are depending on our nation's collective commitment to investing in evidence-based strategies like high-impact tutoring to address learning gaps.



# Appendix: Additional Compliance Guidance

## Uniform Grant Guidance

All ED grant spending must also be consistent with federal regulations called the Uniform Grant Guidance (UGG).<sup>48</sup> Among other things, the UGG prohibits spending on certain kinds of activities (like alcohol or lobbying), sets general criteria all expenses paid with federal funds must satisfy (like they must be necessary and reasonable for the performance of the grant), and sets additional rules for certain kinds of expenses (like employee compensation). The UGG also sets rules for how school districts procure goods and services with federal funds, how they track items paid for with federal funds, and the kinds of records they must keep about their grant spending.

## Understanding the Supplemental Nature of Title I Funding

Title I, Part A has a fiscal rule called the supplement not supplant (SNS) requirement.<sup>49</sup> To comply, school districts must demonstrate that the methodology they use to allocate state and local funds to schools provides each Title I school with all of the state and local money it would receive if it did not participate in the Title I program.<sup>50</sup> School districts are not required to show that individual Title I costs or services are supplemental.<sup>51</sup>

For example, if a district's methodology for allocating state and local funds to schools includes a tutoring allotment in each of its schools, then Title I schools must also receive that allotment. Title I schools could then use Title I funds to expand tutoring services.

Districts may exclude from their SNS analysis supplemental state and local funds for programs that meet Title I's intent and purposes.<sup>52</sup> For example, according to ED guidance, a district would not violate SNS if it allocated supplemental state or local funds to non-Title I schools to provide tutoring to students who need additional support while using Title I funds to provide the same support to students in Title I schools.<sup>53</sup>

## Understanding the Supplemental Nature of Title II Funding

Title II, Part A has a supplement not supplant requirement which operates differently than it does in Title I, Part A.<sup>54</sup> In Title II, supplanting is generally presumed when:

- ▶ A district uses Title II funds to pay for an activity that is required by state, local, or other federal law.
- ▶ A district uses Title II funds to pay for an activity it supported with state or local funds the year before.

A district may overcome a presumption of supplanting if it has written documentation (such as legislative, budget or other materials) that it does not otherwise have the funds necessary to implement the activity and would not carry out the activity absent Title II funds.<sup>55</sup>

## IDEA Fiscal Rules

IDEA is governed by several fiscal rules designed to ensure school districts use IDEA funds to expand services for students with disabilities rather than replace the state and local money they would otherwise spend on such students. These rules include excess costs, supplement not supplant, and maintenance of effort.

Two of these rules, excess costs and supplement not supplant, are frequently misunderstood. They are often assumed to mean school districts must determine that each activity supported with IDEA funds is unique to special education and, therefore, can be considered “excess” or “supplemental.” This is not accurate. Compliance with IDEA’s excess cost and supplement not supplant requirements is done through financial calculations that consider a district’s *aggregate* spending. Compliance is not determined by looking at individual IDEA expenses.

More specifically, the excess costs rule requires districts to calculate a baseline spending target for non-IDEA funds each year through a formula set out in IDEA regulations.<sup>56</sup> Generally, the calculation involves adding up total spending, subtracting special education and certain other expenditures, and deriving a per-pupil spending baseline for non-IDEA spending for the next year. Districts that meet this spending baseline may then spend IDEA, Part B funds on any reasonable cost to deliver special education and related services to eligible students with disabilities without the need to demonstrate that any individual cost itself is “excess.”

Likewise, IDEA’s supplement not supplant requirement is an aggregate test. Districts comply with supplement not supplant in IDEA by satisfying IDEA’s “maintenance of effort” requirement.<sup>57</sup> Maintenance of effort requires that districts spend at least as much for the education of students with disabilities each year as they did the year before.<sup>58</sup> Districts that meet the maintenance of effort requirement comply with supplement not supplant as well. Compliance with supplement not supplant in IDEA is not evaluated by looking at individual IDEA costs.

This means the fact that students with and without disabilities may receive the same or similar tutoring services does not, by itself, trigger excess cost or supplement not supplant concerns.

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## Endnotes

- 1 [34 CFR § 76.760](#) and [2 CFR § 200.405](#).
- 2 See U.S. Department of Education, [Supplement not Supplant Under Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act](#), 2019, p. 26 (referred to as [ED 2019 Title I SNS Guidance](#) for the rest of this document).
- 3 For more about ranking and serving please see U.S. Department of Education, [Within-District Allocations under Title I, Part A of the Elementary and Secondary Education Act of 1965](#), 2022 (referred to as [ED 2022 Title I School Allocation Guidance](#) for the rest of this document).
- 4 [ED 2022 Title I School Allocation Guidance](#), p. 6.
- 5 ESEA, Section 1114. To operate a schoolwide program a Title I school must have at least 40% poverty or a waiver from its state, conduct a comprehensive needs assessment, develop a schoolwide plan based on identified needs, and review and revise the plan as necessary. For more information about schoolwide programs please see U.S. Department of Education, [Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program](#), 2016 (referred to as [ED 2016 Schoolwide Guidance](#) for the rest of this document).
- 6 ESEA, Section 1115. Any Title I school may operate a targeted assistance program.
- 7 ESEA, Section 1114(b)(7)(A) and Section 1115(b)(2)(A).
- 8 ESEA, Section 1114(b)(7)(A)(ii) and Section 1115(b)(2)(B)(i).
- 9 [ED 2016 Schoolwide Guidance](#), p. 6. See also ESEA, Section 1115(b)(2)(G).
- 10 ESEA, Section 1114(b)(7)(A)(i) and Section 1115(b)(2)(G)(iii). See also U.S. Department of Education, [Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students](#), 2009, Sections C and D. ED's ARRA analysis also applied to Title I, Part A funds generally (see page 15).
- 11 ESEA, Section 1116.
- 12 ESEA, Section 1114(a)(2).
- 13 ESEA, Section 1114(b)(6)&(7).
- 14 ESEA, Section 1115(c).
- 15 Districts may reserve and spend some of their Title I, Part A funds at the district level to provide services to all, or a subset of, their Title I schools. [34 CFR § 200.77\(f\)](#). See also [ED 2009 Title I Reform Guidance](#), Q&A B-8.
- 16 See [ED 2009 Title I Reform Guidance](#), Q&A B-7. Please note the discussion of the supplement not supplant requirement in Q&A B-7 is out-of-date because the requirement changed from prior version of the ESEA known as the No Child Left Behind Act (NCLB) to the current version of ESEA, known as the Every Student Succeeds Act (ESSA).
- 17 Districts must provide funding to schools with 75% or greater poverty in strict order of poverty. ESEA, Section 1113(a)(3)(A). Below 75% poverty, districts may prioritize one grade span over another. ESEA, Section 1113(a)(4). For example, districts commonly serve elementary schools with less than 75% poverty before middle or high schools.
- 18 See, for example, Rebeca Shackelford, [Title I of ESEA: Targeting Funds to High-Poverty Schools and Districts](#), 2023.
- 19 ESEA, Section 1113(a)(3)(B). ESEA, Section 1113(a)(5)(B). For more information about these options see [ED 2022 Title I School Allocation Guidance](#).
- 20 Expanding the grade spans served by Title I funds involves weighing trade-offs because Title I funds are allocated to schools on a per-economically-disadvantaged-student basis. Because middle and high schools tend to have more students than elementary schools, they may take the bulk of Title I funds if served.
- 21 ESEA, Section 1111(g)(2)(J)&(M) and ESEA, Section 1112(c)(6).
- 22 Title I's paraprofessional qualification requirements are described in [34 CFR § 200.58](#).
- 23 See, for example, U.S. Department of Education, [Title I Paraprofessionals Non-Regulatory Guidance](#), 2004, Q&A B-18. Please note this guidance was released under a prior version of the ESEA known as the No Child Left Behind Act (NCLB), but nothing in the current law would affect ED's guidance that Title I's qualification rules only apply to a district's employees.
- 24 See Ann Webber, et. al., [State and District Use of Title II, Part A Funds in 2020–21](#), 2022, pp. ix-x.
- 25 ESEA, Section 2103.
- 26 ESEA, Section 2103(b)(3)(E).
- 27 ESEA, Section 2103(b)(3)(B)(iv). For a description of an induction program that includes tutoring please see U.S. Department of Education, [Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Learning](#), 2016, p. 11.
- 28 ESEA, Section 2103(b)(3)(B)(iii)
- 29 ESEA, Section 2102(b)(2)(C). Economically disadvantaged students include children aged 5 to 17 who live in (1) families with incomes at or below the poverty level (according to Department of Commerce), (2) families with incomes above the poverty level, but who receive local assistance through Part A of Title IV of the Social Security Act (i.e., Temporary Aid to Needy Families, or TANF) (according to Department of Health and Human Services), (3) insti-



- tutions for neglected and delinquent children that local governments administer (according to ED), and (4) foster homes in which the foster parents receive payments from a state or county for the children's support (according to Department of Health and Human Services).
- 30 ESEA, Section 2102(b)(3). Stakeholders include teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a LEA that has charter schools), parents, community partners and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet Title II purposes. ESEA, Section 2102(b)(3)(A).
- 31 ESEA, Section 2102(b)(2)(D).
- 32 [20 U.S.C. § 1413\(a\)\(2\)\(A\)\(i\)](#), [34 CFR § 300.202\(a\)\(2\)](#).
- 33 See, for example, U.S. Department of Education, [American Recovery and Reinvestment Act of 2009: Using ARRA Funds Provided Through Part of the Individuals with Disabilities Education Act \(IDEA\) to Drive School Reform and Improvement](#), 2009 (referred to as [ED 2009 IDEA Reform Guidance](#) for the rest of this document). Please note, ED developed this guidance to help districts spend the additional IDEA, Part B funds appropriated through the American Recovery and Reinvestment Act, but it applied to regular IDEA, Part B funds as well. The guidance is now archived on ED's website, but the examples are still relevant to IDEA, Part B spending.
- 34 U.S. Department of Education, [Letter to an Individual](#), 2012, p. 2.
- 35 See, for example, [ED 2009 IDEA Reform Guidance](#), pp. 23 and 26. To the extent these materials benefit students with and without disabilities, a district can allocate the costs among IDEA and other funding sources.
- 36 See, for example, [ED 2009 IDEA Reform Guidance](#), pp. 18, 21 and 33. To the extent this benefit students with and without disabilities, a district can allocate the costs among IDEA and other funding sources.
- 37 See, for example, [ED 2009 IDEA Reform Guidance](#), p. 3.
- 38 [20 U.S.C. § 1413\(f\)](#), [34 CFR § 300.226](#), and U.S. Department of Education, [Coordinated Early Intervening Services \(CEIS\) Under Part B of the Individuals with Disabilities Education Act \(IDEA\) OSEP Memo 08-09](#), 2008, p. 3. Please note school districts identified by their SEA as having significant disproportionality must reserve funds for comprehensive coordinated early intervention services. These mandatory reserve funds are subject to different rules than the voluntary CEIS funds described in this section. [20 U.S.C. § 1418\(d\)\(2\)\(B\)](#), [34 CFR § 300.646\(d\)](#). See also U.S. Department of Education, [Significant Disproportionality, Equity in IDEA, Essential Questions And Answers](#), 2017.
- 39 U.S. Department of Education, [Letter to Chambers](#), 2012, p. 2 (referred to as [ED Letter to Chambers](#) for the rest of this document).
- 40 [ED Letter to Chambers](#).
- 41 [20 U.S.C. § 1413\(a\)\(3\)](#), [34 CFR § 300.207](#). See also U.S. Department of Education, [Memorandum: OSEP 22-01 — Personnel Qualifications under Part B of the Individuals with Disabilities Education Act \(IDEA\)](#), 2022.
- 42 [20 U.S.C. § 1412\(a\)\(14\)](#) (as amended by ESEA, Sec. 9214(d)), [34 CFR § 300.156\(c\)](#).
- 43 [20 U.S.C. § 1412\(a\)\(14\)](#) (as amended by ESEA, Sec. 9214(d)), [34 CFR § 300.156\(b\)](#).
- 44 U.S. Department of Education, [ESEA Sec. 1003 Funding for School Improvement & ESEA Sec. 1003A Direct Student Services Webinar](#), 2018, slide 12.
- 45 ESEA, Section 3115.
- 46 ESEA, Section 4107.
- 47 McKinney Vento, Section 723(d)(1).
- 48 The Uniform Grant Guidance, also referred to as the Uniform Administrative Requirements, is in [2 CFR Part 200](#).
- 49 ESEA, Section 1118(b).
- 50 ESEA, Section 1118(b)(2).
- 51 ESEA, Section 1118(b)(3)(A).
- 52 ESEA, Section 1118(d). See also [ED 2019 Title I SNS Guidance](#), p. 24.
- 53 [ED 2019 Title I SNS Guidance](#), p. 26.
- 54 ESEA, Section 2301.
- 55 U.S. Department of Education, [Improving Teacher Quality State Grants: ESEA Title II, Part A](#), 2006, Q&A E-15 and E-16. Please note this guidance was released under a prior version of the ESEA known as the No Child Left Behind Act (NCLB), but Title II's supplement not supplant requirement did not change from NCLB to the current version of ESEA.
- 56 [34 CFR § 300.202\(b\)\(2\)\(ii\)](#).
- 57 U.S. Department of Education, [Letter to Kennedy](#), 2008.
- 58 [34 CFR § 300.203](#).