

Title IV Frequently Asked Questions

The Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA), was signed into law in December 2015. Newly authorized under ESSA is the Student Support and Academic Enrichment (SSAE) program. The purpose of the Title IV grant is to improve students' academic achievement by increasing the capacity of State, districts, and local communities to:

- provide all students with access to a well-rounded education (4107)
- improve school conditions for student learning (4108), and
- improve the use of technology to improve the academic achievement and digital literacy of all students. (4109)

General Funding and Accounting

Q. How are Title IV funds distributed to districts?

- A.** In Spring 2017, the North Dakota Department of Public Instruction sought input from educational leaders on the distribution of these funds. It was the decision of these leaders that the funds would be distributed to districts as a formula grant through the Consolidated Application for Federal Title Programs.

Q. How are district Title IV allocations calculated?

- A.** District allocations are based on the district's relative share of Title I Part A funds received through the Title I funding formula. The department will provide a district their allocation in the same proportion as the district's prior year Title I allocation (ESEA § 4105(a)(1)).

If a district did not generate, receive, or accept a Title I allocation in the preceding year, they are not eligible to receive a Title IV subgrant award.

No district may receive less than \$10,000, and if the state's allocation is such that this requirement cannot be met, the federal statute includes language regarding ratable reductions.

Q. Where can each district's allocation be found?

- A.** The allocation amounts are posted each year and can be found on the DPI website [Federal Title Allocations](#).

Q. Are Title I Cooperative districts eligible for Title IV funds?

- A.** No. ESEA § 4105(a)(1) outlines the funding formula for the distribution of Title IV funds. The statute clearly states allocations are distributed in the same proportion as the Title I funds received by the district during the prior year.

If a district did not generate, receive, or accept a Title I allocation in the preceding year, it is not eligible to receive a Title IV subgrant award.

Q. What revenue codes are used to incorporate Title IV funds into the district’s budget and accounting system?

A. Districts are to use revenue account 4525 for Title IV grant awards. This information can be found in the [North Dakota School District Accounting and Reporting Manual](#) (NDSFARM).

Q. What accounting codes should be used to track Title IV expenditures?

A. Please refer to the [Tracking Federal and Local Funds](#) document.

Q. What is required for equipment inventory purchased with Title IV funds?

A. The LEA must maintain a current inventory of any materials purchased with Title IV-A funds. This includes laptops, computers, Smartboards, projectors, etc. The LEA retains control of and includes an inventory of fixed assets for all equipment purchased with funds for private schools (if applicable).

Comprehensive Needs Assessment

Q. What is a comprehensive needs assessment?

A. A comprehensive needs assessment is a systemic, ongoing process a school engages in to gather and analyze their data, determine their root causes, set priorities, implement programming, and evaluate for effectiveness of desired outcomes. A wide variety of methods or tools can be used to evaluate, measure, and document the readiness, learning progress and outcomes, skill acquisition, or educational needs of all students based on all desired outcomes.

Q. When conducting our needs assessment, what are the requirements for Title IV?

A. A Comprehensive Needs Assessment must be conducted **every three years** to examine the need for improvement of well-rounded educational opportunities, school conditions for student learning, and access to personalized learning experiences supported by technology.

If the district has an existing comprehensive needs assessment process that includes stakeholder involvement and data elements relevant to the areas of allowable uses of Title IV funds (well-rounded, safe, and healthy students, educational technology), then it is sufficient to leverage this existing process to satisfy the Title IV program requirement. However, if existing needs assessment processes do not address the content areas included in Title IV, then a separate comprehensive needs assessment should be conducted to ensure relevant needs are identified for use of funds.

Spending Requirements

Q. Must a district prioritize which schools receive Title IV funds?

A. Yes. A district must include in its application an assurance that funds will be prioritized for distribution to schools as set out in statute.

Each district establishes how it will prioritize the distribution of its Title IV, Part A allocation in five ways in accordance with ESEA section 4106(e)(2)(A) and may use multiple allocation methods. The district must use information from the needs assessment or other means if the district is not required to conduct a needs assessment to determine the best way to allocate funds to target the identified need(s).

Allocation methods:

- Provide funding to schools with the greatest needs.
- Target schools with the highest percentages or numbers of low-income students.
- Comprehensive Student Support and Improvement status (CSI schools).
- Targeted Support and Improvement status (TSI schools).
- Are identified as a persistently dangerous school.

Q. What funding requirements are in place for districts with allocations greater than \$30,000?

A. Districts that receive an allocation of \$30,000 or more must distribute their allocation among the three focus areas according to the proportions described below.

- At least 20% of funds for activities to support well-rounded educational opportunities.
- At least 20% of funds for activities to support safe and healthy students; and
- A portion of funds for activities to support effective use of technology. ****Districts may not spend more than 15% of the funds they use for technology for purchasing technology infrastructure including devices, equipment, software applications, platforms, digital instructional resources and/or other one-time IT purchases (ESSA §419(b)).***

Example: District allocation: \$76,845

- At least 20% for well-rounded education = \$28,000
- At least 20% for safe and healthy students = \$25,000
- Effective use of technology: \$23,845 / up to 15% of \$23,845 = \$3,576.75 can be used on technology infrastructure.

LEAs must have an internal process in place to track these funds and the percentages spent within each of the required areas.

Q. What does a portion of funds in technology mean?

A. A portion has not been identified as a specific dollar amount, but rather an amount identified by the district to execute an activity or program that aligns with the purpose of those funds.

Q. What is the general guidance around technology purchases in Title IVA 4019 in addition to 4107 and 4108?

A. There are many funding sources that allow for the purchase of technology. Given the flexibility of Title IV-A funds for diverse strategies that impact student instruction and conditions for learning, Title IV-A should be used as funds of **last resort for device purchases.**

There is a 15 percent technology spending cap for devices, equipment, software, and digital content. 20 U.S.C. § 7119(b). This includes district-level or employee use hardware and software.

Please understand that the 15% cap fits under this category, but technology purchases for instructional purposes can be funded under well-rounded education as part of an integrated technology approach. Infrastructure expenses do not include broadband (hotspots and service plans for students are allowable), security cameras, building hardware, district online security, and monitoring tools. Keep in mind that this title should support classroom instruction and professional learning.

Q. What percentage of funding can be used for administrative costs?

A. Districts may reserve up to 2% of Title IV funds for direct administrative costs.

Q. What if we do not spend our full awarded amount of Title IV funds?

A. LEAs have a full 27 months to obligate and expend their Title IV funds. The NDDPI will still close out each fiscal year as of June 30. Any remaining Title IV A funds will continue to be available within the district grant award until it has been fully expended or expired.

Q. Does the district factor in the Title IV proportionate share to the private schools in their 20-20 Special Rule?

A. Yes. Any Title IV services the private schools receive through Title IV must be calculated towards the district's funding requirements under the 20-20 Special Rule.

Q. Does each private school have to follow the 20-20 special rule?

A. No. Any Title IV services or programming the private schools receive through Title IV must be calculated towards the district's funding requirements under the 20-20 Special Rule.

Q. What funding requirements are in place for districts with allocations less than \$30,000?

A. Districts that receive less than \$30,000 must utilize their allocation for at least one of the three focus areas described below.

- Activities to support well-rounded educational opportunities.
- Activities to support safe and healthy students; and
- Activities to support effective use of technology.

In the EUT area, districts may not spend more than 15% of the funds they use for technology for purchasing technology infrastructure, including devices, equipment, software applications, platforms, digital instructional resources, and/or other one-time IT purchases (ESSA §419(b))

Transferability

- Q. Can a district transfer its Title IV funds to another federal Title program in which the district generated an allocation?**
- A.** Yes. It is allowable for a district to transfer its Title IV funds into another federal Title program provided that program has an allocation. Title IV Funds that are transferred into another Federal Title program must follow the requirements of the program they are transferring into.
- Q. If a district chooses to transfer funds out of Title IV and into another allowable federal Title program (i.e., Title I, Title II), how does this affect participating private schools?**
- A.** Before a district may transfer funds from a program subject to equitable services requirements, it must have evidence of conducting a needs assessment (if an allocation is over \$30,000) and engage in timely and meaningful consultation with appropriate private school officials. With respect to the transferred funds, the district must provide private school students and teachers equitable services under the program(s) to which and from which the funds are transferred, based on the total amount of funds available to each program after the transfer.
- Q. If a district elects to transfer funds toward the Title IV program and the new amount equals \$30,000 or more in the Transfer Title IV budget, what requirements must the district follow?**
- A.** When a district's allocation, in this case, Transfer Title IV budget, is \$30,000 or above, they must still meet Title IV requirements plus now meet the 20-20 Special Rule and conduct a comprehensive needs assessment that addresses the required areas.
- Q. If an LEA requests to transfer 100% of their Title IV funds to Title I (they have consulted with participating private schools) 30 days prior to submitting their allocation (which is \$30,000 or more), does the LEA still have to complete a comprehensive needs assessment?**
- A.** Yes. The needs assessment is an eligibility requirement for Title IV, Part A. (Section 4106(a)(2) of the ESEA). Even if an LEA intends to transfer 100% of its Title IV, Part A funds into another eligible program, it must fulfill the eligibility requirements in order to obtain its Title IV, Part A subgrant.

Statutory Requirements

In making the determination of the allowability of funds for program costs will depend on several factors, starting with whether all statutory requirements are met. Assuming that the activity is consistent with the purposes of one of the three content areas, as applicable, the SEA must make further determinations as to the allowability of costs in accordance with the cost principles in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) at 2 CFR Part 200, Subpart E. Specifically, the cost of an activity is allowable under Title IV-A if it is reasonable and necessary for performance of the grant and allocable to the grant. Also, because section 4110 of the ESEA prohibits supplanting, the funds must supplement, and not supplant, other non-Federal funds that would otherwise be used to pay for the allowable activity.

Q. Can you explain supplement vs. supplant?

- A.** SSAE program funds may be used only to supplement, and not supplant, non-federal funds that would otherwise be available for activities authorized under the SSAE program (Section 4110). This means that, in general, LEAs may not use SSAE program funds for the cost of activities in the three SSAE program content areas – well-rounded education, safe and healthy students, and technology – if the cost of those activities would have otherwise been paid with state or local funds in the absence of the SSAE program funds.

The three Presumptions of Supplanting guiding questions are:

- 1) Are the expenditures or activities required by other Federal, State, or local laws?
- 2) Were the expenditures or activities funded in previous years by non-Federal funds?
- 3) Would the expenditures or activities happen in the absence of Federal funds?

Q. What is meant by Uniform Grants Guidance?

- A.** Uniform Grants Guidance cost principles apply to the use of SSAE program funds, including the standards below:

- Necessary and reasonable
- Allowable
- Allocable to the program
- Adequately documented.

Use of Funds - Staff Positions

*Sustainability will be key; salaried positions paid exclusively through Title IV could be difficult to sustain in future years without alternate sources of funding.

Q. Can we use Title IV funds to pay for staff positions?

- A.** If a LEA wants to use Title IV-A funds to pay for a staff position(s), they must first determine if that staff position or teaching activity is allowable under Title IV-A. I.e., the position would need to support at least one of the three purposes of the Title IV-A program statute: well-rounded education, safe and healthy students, and effective use of technology.

To be funded, the position(s) should have been informed by the school district's needs assessment, stakeholder engagement process, and prioritization of schools. As with any cost charged to a grant, grantees are responsible for ensuring that only costs that are reasonable, necessary, and allocable to the grant are, in fact, charged to the grant. If the program has a supplanting prohibition, which the Title IV-A program does, the grantee must ensure that the use of Title IV-A funds supplements, and does not supplant, other state or local funds that would otherwise be used to pay for the allowable activity.

**To overcome the presumption of supplanting, the LEA would have to show that it would not otherwise be able to fund the salaries of the staff position(s), but for the availability of Title IV-A funds. The LEA would need to provide clear documentation that no state or local funds are available to cover the*

faculties' salaries and that the reason for the lack of appropriations is not because federal funds might be available to cover the positions.

Q. Is it permissible for an LEA to use Title IVA funds to pay salaries this year if it used local funds last year?

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

Q. Can we hire a School Resource Officer (SRO) with Title IVA Funds?

- A.** In making the determination of the allowability of funds for program costs will depend on several factors (as stated above), starting with whether all statutory requirements are met. The district must first and foremost demonstrate a need (i.e., school safety audit or other needs assessment with relevant data) and how the SRO would meet that need.

The SRO must also follow an evidence-based approach. The National Association of School Resource Officers (NASRO) developed the triad model, which we recommend. The SRO triad model outlines their responsibilities under three areas: teacher, informal counselor, and law enforcement officer. The SRO must fit into a comprehensive system of supports for staff and students and how that system is utilizing evidence-based programs.

Schools must also develop and have in place a relevant way to assess the effectiveness of the SRO within the school environment. Allowability will be determined on a case-by-case basis.

**Evidence has shown that if they are just a security presence, then it is detrimental to the school climate.*

Q. Can we use Title IVA funds to pay for our school counselor?

- A.** In making the determination of the allowability of funds for program costs will depend on several factors (as stated above), starting with whether all statutory requirements are met. The district must first and foremost demonstrate a need. The ND Century Code has set the requirements of one FT counselor for every 300 students in grades 7-12 and, beginning the 2022-2023 school year, grades K-6. Title IV-A funds cannot cover the cost of a school counselor's salary when it is required by NDCC, as that would be supplanting. If you are supplementing school counseling services and going above the NDCC requirements, it may be allowable. Allowability will be determined on a case-by-case basis.

School Nurse/eNurse

The USDOE Federal Title IV provided the following clarification regarding the use of Federal Title Funds and School Nursing or Nursing. "Federal Title funds could be used to pay for a portion of the school nurse's salary when they are NOT providing direct medical services. Medical services are listed as a prohibited use of funds in ESEA section 4001(b)."

The NDDPI, the State School Nurse Consultant, and the ND School Care Manager developed the following guidance that will help districts determine direct vs. indirect medical services. Nursing services are based on students' and district needs and are therefore unique for each district. It is strongly encouraged that districts consult with their School Nurse or nursing manager when determining this, as they are the experts in this area. Based on the services to be provided, Districts should then determine the direct/indirect service percentages of the Nurse/endures time. Federal Title funds can cover indirect percentage of the Nurse salary or endures contract.

Q. Can we hire a School Nurse/eNurse with Title IVA Funds?

- A.** In making the determination of the allowability of funds for program costs will depend on several factors (as stated above), starting with whether all statutory requirements are met. The district must first and foremost demonstrate a need (i.e., school needs assessment with relevant data that would demonstrate a need to be filled or impacted by the hiring of a school nurse) and how the School Nurse would meet that need.

The goal is to integrate health and safety practices into school or athletic programs. School nurses support a healthy, active lifestyle, including nutritional education and regular, structured physical education activities and programs, that may address chronic disease management with instruction led by school nurses, nurse practitioners, or others to help maintain the well-being of students.

Schools must also develop and have in place a relevant way to assess the effectiveness of the School Nurse program within the school environment. **According to the National Association of School Nurses (NASN), research demonstrates that when chronic and acute healthcare needs are met, students miss fewer days of school and academic achievement is higher.*

Q. Is a technology coordinator allowable under Title IVA 4109?

- A.** In making the determination of the allowability of funds for program costs will depend on several factors (as stated above), starting with whether all statutory requirements are met. The staffing position must be connected to classroom instructional programming. Schools must also develop and have in place a relevant way to assess the program effectiveness aligned with students' outcomes.

Q. Can Title funds be used to pay for a bus monitor?

- A.** In making the determination of the allowability of funds for program costs will depend on several factors (as stated above), starting with whether all statutory requirements are met. The district must first and foremost demonstrate a need (i.e., school safety audit or other needs assessment with relevant data) and how the bus monitor would meet that need.

Schools must also develop and have in place a relevant way to assess the effectiveness of the bus monitor. How are you going to measure the outcome and effectiveness of the bus monitor with student achievement? Is this a bus where students' behaviors are impacting attendance and academics?

There is also the presumption of supplanting, the LEA would have to show that it would not otherwise be able to fund the salaries of the position(s), but for the availability of Title IV-A funds. The LEA would need to provide clear documentation that no state or local funds are available to cover the salaries and that the reason for the lack of appropriations is not because federal funds might be available to cover the position(s). Is this an additional position, or are they using Title IV funds to cover a position that has existed in the past? If this is the case, it would be a strong indicator of supplanting, and they would have to show that there is not another funding option to pay for this position.

Q. Can we use our Title Funds to provide contracted services with the Village?

- A.** In making the determination of the allowability of funds for program costs will depend on several factors, starting with whether all statutory requirements are met (as stated above).

It is important to note that an LEA receiving funds under the SSAE program must 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 with Title IV -SSAE program funds.

Prior written informed consent means active consent; silent (passive) consent does not constitute prior written; informed consent is therefore not sufficient. Section 4001 of the ESEA describes in detail the contents of such consent, as well as limitations and exceptions to when prior, written informed consent is required. Included is the ESEA section below for your reference.

43 ESEA section 4001 provides SEC. 4001. GENERAL PROVISIONS. (a) PARENTAL CONSENT.— (1) IN GENERAL.— (A) INFORMED WRITTEN CONSENT.—A State, local educational agency, or other entity 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. (B) CONTENTS.—***Before obtaining the consent described in subparagraph (A), the entity shall provide the parent written notice describing in detail such mental health assessment or service, including the purpose for such assessment or service, the provider of such assessment or service, when such assessment or service will begin, and how long such assessment or service may last (C) LIMITATION.—***The informed written consent required under this paragraph shall not be a waiver of any rights or protections under section 444 of the General Education Provisions Act (20 U.S.C. 1232g)*

General Use of Funds

Q. Can we purchase PBIS rewards or Token Economy rewards?

- A.** Title IV, Part A funds can be used for PBIS rewards if the items are of nominal value and are school-related rewards/items with an educational focus (e.g., school supplies, books, etc.) Federal cost principles still apply. The items must be reasonable in cost, tied to educational/behavioral achievement, and provided after the fact (not in advance). Funds cannot be used for food, gift cards, school T-shirts, wristbands, water bottles, book bags, or other items that would be of monetary value. Districts are encouraged to investigate free or inexpensive reward options before using federal funds for incentives.

Q. Can we purchase T-shirts with Title IV funds?

- A.** T-shirts and other promotional items fit in the category of “advertising and public relations,” which are generally not allowable per 2 CFR 200.421. Items that are purely about publicity and promotion of a club or organization would not be an allowable use of funds. (Portal)

Q. Can food be purchased with Title IV-A funds?

- A.** Typically, food is *not an allowable* use of Title IV. Federal grant funds may only be used for expenses that are reasonable and necessary. There is a very high burden of proof to show that paying for food and beverages with federal funds is necessary to meet the goals and objectives of a federal grant. While these determinations will be made on a case-by-case basis, and there may be some circumstances where the cost would be permissible, it is likely that those circumstances will be rare. Districts, therefore, will have to make a compelling case that the unique circumstances they have identified would justify these costs as reasonable and necessary.

Q. Can both advanced placement (AP) and Dual enrollment fees be paid for all students or only low-income students?

- A.** Dual enrollment fees could be paid for all students if shown to be reasonable and necessary. In addition, paying for AP exam fees could also be available for more than just low-income students if shown to be reasonable and necessary. The statute lists paying for AP exams for low-income students as an example only. The SEA, in consultation with the LEA, will need to determine if the costs are 1) reasonable and necessary for the performance of the grant; 3) allocable to the grant; 4) supplements, and does not supplant, other State or local funds that would otherwise be used to pay for the exam and/or course fees. (Portal)

Q. Does Title IV-A cover reimbursement for someone to go to graduate school? An LEA is requesting to use Title IV-A funds for college tuition for a current teacher to take courses to become fully certified in an area of need.

- A.** In general, the use of Title IV-A funds for teacher certification for core subjects would raise a presumption of supplanting. (Portal)

Q. How does ESEA Sec 8526, stating that ESEA funds cannot be used to procure a dangerous weapon or provide training on how to use a dangerous weapon, impact the funding of School Resource Officers or ALICE Active Shooter training?

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

Note: On October 6, 2023, a bill was signed into law amending section 8526 regarding the use of ESEA funds for the provision of, and training in, dangerous weapons (as defined in section 930(g)(2) of title 18 of the United States Code). Specifically, section 8526 now clarifies that the prohibition does not apply to the use of ESEA funds for activities that are carried out under ESEA programs and that are otherwise permissible and that “provide students with educational instruction or educational enrichment activities, such as archery, hunting, other shooting sports, or culinary arts.”

Q. Can we purchase security cameras with Title IV-A funds?

A. In making the determination of the allowability of funds for program costs will depend on several factors (as stated above), starting with whether all statutory requirements are met. The district must first and foremost demonstrate a need (i.e., school safety audit or other needs assessment with relevant data) and how the purchase of security cameras would meet the need.

Schools must also develop and have in place a relevant way to assess the effectiveness of the addition of the security system within the school environment. Allowability will be determined on a case-by-case basis.

The following should guide the LEA when making this determination:

- Are the activities/strategies found within the LEA’s Emergency Response Plan?
- Are the intended purchases necessary and reasonable?
- Are the three presumptions of supplanting met? (As listed previously)

**** Construction is not authorized under Title IV-A. Thus, allowable activities regarding the condition of a school building must fall into the definition of “minor remodeling” to be considered allowable. See 34 CFR 77.1(b). The installation of security cameras would generally constitute a minor alteration in a previously completed building and, therefore, would be allowable under the definition of minor remodeling. (Portal)***

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

A. In general, the purchase of drones would need to support at least one of the three purposes of the Title IV-A program statute—well-rounded education, safe and healthy students, and effective use of technology. To be funded, the purchase of equipment should have been informed by the school district’s needs assessment, stakeholder engagement process, and prioritization of schools.

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

Q. Is transportation an allowable cost?

A. The cost of transportation to and from a specific and allowable Title IV-A activity, such as a robotics competition or other nonprofit competitions related to STEM subjects, would not be prohibited by Section 8526. In making the determination of the allowability of funds for program costs will depend on several factors (as stated above), starting with whether all statutory requirements are met. (Portal)

Q. Can we purchase vape detectors?

A. Possibly. The district must first and foremost demonstrate a need (i.e., school safety audit or other needs assessment with relevant data) and how the purchase of Vape detectors would meet the need. Vape detectors as a stand-alone intervention are typically not effective; rather, they should be part of a comprehensive drug prevention approach.

Schools must also develop and have in place a relevant way to assess the effectiveness of the addition of vape detectors within the school environment. Allowability will be determined on a case-by-case basis.

**** Construction is not authorized under Title IV-A. Thus, allowable activities regarding the condition of a school building must fall into the definition of “minor remodeling” to be considered allowable. See 34 CFR 77.1(b). The installation of vape detectors would generally constitute a minor alteration in a previously completed building and, therefore, would be allowable under the definition of minor remodeling. (Portal)***

Q. What is the guidance for stipends for teachers to support various school committees/teams/clubs?

A. Stipends for committees/teams may be an allowable use of Title IV-A funds. The necessity will be closely tied to the district policies for compensating employees (see the Uniform Guidance at 2 CFR 200.430 and 200.431), as well as whether the activities take place during regular school hours or outside regular school hours and the employee is not expected, as a condition of their employment, to participate in such teams. (In other words, we don't want to use grant funds to pay people to do things they are already obligated to do or pay twice for someone's time.)

Q. Can Title IV funds be used for students enrolled in adult education programs?

A. No, Title IV-A funds cannot be used to support students enrolled in adult education programs.

Q. I am wondering whether other LEA activities that may include an evaluation component (for example, an equity evaluation used to inform instruction, inform PD, create additional offerings for historically marginalized students, etc.) would be allowable under Title IV-A?

A. Program funds cannot be used to pay for an evaluation. These funds are meant for direct services or programs. Program funds may be used to pay for a technical assistance effort that has an evaluation component as long as the evaluation component is a minimal component of the total effort. The TA/evaluation must align with the programs/activities for those content areas from which the funds would come out of.

Q. Can Title IV-A funds cover testing for gifted and talented students?

A. Testing for gifted and talented students could be supported with Title IV-A funds if the need for the activity was identified by the LEA’s needs assessment and stakeholder engagement process.

Q. In the effective use of technology (EUT) area, no more than 15% of the funds can be spent on building technological capacity and technology infrastructure. What expenditures would be considered technological capacity and or technology infrastructure?

A. The following guidance has been developed for schools.

Technology Infrastructure Expenditures Restricted to 15% CAP of your EUT Budget	Non-Technology Infrastructure Expenditures 15% CAP does not apply
700- Property/Equipment - smartboards, projectors, Wi-Fi routers, hotspots, 3D printer, printer, headphones, keyboards, ILA Translators, laptops, iPads, document cameras, iPods, e-readers, monitors, etc.	Professional development specific to blended learning, personalized learning, or using educational technology tools in the classroom.
600- Software purchases for blended learning, personalized learning, instructional support, SIS, testing, etc. (e.g., IXL, Schoology, curriculum specific software, device support software, etc.)	Staff to support integration of educational technology tools and professional development.
800- Site licenses for blended learning, personalized learning, instructional support, SIS, testing, etc.	Funds for substitutes to cover classrooms for attending professional development, observing colleagues, participating in coaching/mentoring, etc. as it relates to Effective Use of Technology.

****Maintenance, repair, or updating devices is not an allowable expense associated with EUT; rather, these are day-to-day operating expenses and, therefore, district responsibilities.***

Note: The 15% infrastructure amount is based on the overall EUT budget; therefore, if the EUT budget is amended to a lower amount, then the 15% amount would also be lowered. Districts must be cautious when amending their EUT budget, especially if they have already claimed any items that are considered infrastructure. If districts amend their EUT budget and it results in expenditures exceeding the maximum 15%, the district will be required to cover the expenditures.

Q. Is it mandated that a district must use at least 85% of funds allocated to the technology section on technology PD?

A. No. In addition to purchases for technology infrastructure, at least 85 percent of funds used under Section 4109 may be used to support a variety of professional development, defined in 8101(42) as activities that are an integral part of school and local educational agency strategies, activities and for capacity building and other activities directly related to improving the use of educational technology. As you are aware, districts may not spend more than 15 percent of the funding reserved in the effective use of technology content area on devices, equipment, software applications, platforms, digital instructional resources, and/or other one-time IT purchases.

Statute-Identified Non-Allowable Use of Funds

Q. What are the unallowable uses for Title IV funds?

A. ESEA funds may not be used for:

- a. “Medical services or drug treatment or rehabilitation, except for integrated student supports, specialized instructional support services, or referral to treatment for impacted students, which may include students who are victims of, or witnesses to, crime or who illegally use drugs” (ESEA § 4001(b)).
- b. Religious worship or instruction or any educational service, including equipment and materials, that is not secular, neutral, and non-ideological (ESEA §§ 8501(a)(2) & 8505).
- c. Construction, renovation, or repair of any school facility (ESEA § 8526(1)).
- d. Transportation associated with getting students to and from school (ESEA § 8526(2)).
- e. Development or distribution of materials or operation of programs or instructional courses directed at youth that are designed to promote or encourage sexual activity (ESEA § 8526(3)).
- f. Distribution of legally obscene materials to minors on school grounds (ESEA § 8526(4)).
- g. Provision of sex education or HIV-prevention education in schools unless that instruction is age-appropriate and includes the health benefits of abstinence (ESEA § 8526(5)).
- h. Operation of a program of contraceptive distribution in schools (ESEA § 8526(6)).
- i. Purchasing dangerous weapons or providing training on how to use dangerous weapons.

Q. Are weapons prohibited under ESEA?

A. ESEA may not be used for the provision to any person of a dangerous weapon, as defined in section 930(g)(2) of title 18, United States Code, or training in the use of a dangerous weapon. (Dangerous weapon is defined in section 930(g)(2) as a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocketknife with a blade of less than 2 1/2 inches in length.)

Note: The Administration strongly supported amending the Elementary and Secondary Education Act of 1965 (ESEA) to clarify that schools that wish to offer archery and hunting programs may use ESEA funds to support them. On October 6, 2023, President Biden signed into law a bipartisan bill amending section 8526 regarding use of ESEA funds for the provision of, and training in, dangerous weapons (as defined in section 930(g)(2) of title 18 of the United States Code).

Specifically, section 8526 now clarifies that the prohibition does not apply to the use of ESEA funds for activities that are carried out under ESEA programs and that are otherwise permissible and that “provide students with educational instruction or educational enrichment activities, such as archery, hunting, other shooting sports, or culinary arts.”

Equitable Share

- Q. Do districts need to consult with only private schools in their boundaries, or with any private schools with one of their students in attendance?**
- A.** Districts are only required to consult with private schools in their boundaries. Students who reside within your district’s boundaries but attend schools in a neighboring district are serviced by the district they attend under Title IV-A.
- Q. If a district chooses to surrender its Title IV allocation, is the private school entitled to its equitable share?**
- A.** There will not be an equitable share for the private schools because the equitable share would be a share of a \$0 allocation.
- Q. If the district chooses to transfer its Title IV allocation, what is the equitable share?**
- A.** Transferred funds then become part of the receiving Title’s allocation and are no longer Title IV funds. The equitable share would come out of the receiving Title.
- Q. Can private schools choose activities that are different than the public schools?**
- A.** Private school activities do not necessarily have to match the public schools as long as they are allowable. It will depend on the district’s consultation with the participating nonpublic schools and the district’s decision on the services they are able to support at the nonpublic schools.
- Q. Can we buy materials for the private school related to the allowable activities (well-rounded educational opportunities, safe and healthy schools, effective use of technology)?**
- A.** Yes, however, they remain the property of the district, and the district is required to maintain an inventory of such items.
- Q. Can the dollars support certified staff from either the public or private school related to the allowable activities?**
- A.** This funding can be used to fund staff at the public school as long as the funded staff person is appropriately aligned with allowable activities. Funds can only be used to supplement. They cannot supplant. For private schools, funded public school staff can provide the requested service directly, or a separate entity can be contracted to provide the service for the private school.

- Q. If we are managing funds for private schools, is it our responsibility to make sure activities are allowable?**
- A.** All budgeted activities must be allowable to make it through the NDDPI consolidation application process.
- Q. Guidance says that we can't use more than 15 percent of the allocation for technology infrastructure (code 700). Is this true for a private school also, or can they spend more than 15 percent of their allocation on technology infrastructure?**
- A.** The private school's desired expenditures in this area are not a separate 15% but rather count towards the district's 15% cap.
- Q. What if a private school does not respond to consultation attempts regarding expending its equitable share?**
- A.** Good faith continued efforts should be made to contact and create a partnership with private schools within the LEA service area. LEAs should continue contact attempts and maintain documentation of those attempts. Districts have the following options for when the private school is disengaged and is not responding:
1. If after three consultation attempts to work with the non-public school(s) to spend their equitable share, the nonpublic can turn back their remaining funds to the district to utilize. Please make sure this is all well documented and saved with your grant file and you should upload the documentation with your status report in WebGrants. Before the district can spend these funds, they must first make them available to the other participating nonpublic school(s). If the other nonpublic(s) do not wish to receive them, the district can now access them and spend them as their own. Again, please make sure all this is well documented and kept with the grant file or in WebGrants.
 2. The district can leave these funds, and they will expire and be turned back to the USDOE at the end of the grant period. Again, please make sure all this is well documented and kept with the grant file or in WebGrants.

Evaluation/Reporting

- Q. Do districts need to include Title IV-A program objectives, intended outcomes, and measures for effectiveness in their application?**
- A.** Yes, ESEA sec. 4106(e)(E) states the following: (E) the program objectives and intended outcomes for activities under this subpart, and how the local educational agency, or consortium of such agencies, will periodically evaluate the effectiveness of the activities carried out under this section based on such objectives and outcomes.

Q. Do districts need to include program objectives, intended outcomes, and measures for effectiveness for their participating private schools in their consolidated application?

A. While districts should discuss needs and objectives with the private schools during consultation and keep records of them, this would not necessarily have to be included in their applications or evaluations.

Q. Do we have to report on every objective we write in the consolidated application?

A. Yes. Districts must report on every objective they include in the Title IV section of the consolidated application; therefore, to avoid creating reporting that may be burdensome, careful consideration should be given when creating the number of objectives and outcomes regarding the investment of Title IV funds.

The objectives provided should be aligned with the supplemental activities or program expenditures that are outlined in the budget portion of the consolidated application.

Q. What do we have to report regarding Title IV?

A. Title IV does have reporting requirements. Please see the Title IV DPI website [Reporting](#) accordion for more in-depth guidance.