

Use of Title II, Part A Funds to Supplement LEA Activities Relating to Common Core State Standards

Title II-A is responsible for supporting increased student academic achievement by promoting strategies that will positively impact teacher and principal effectiveness. All expenditures must adhere to the following Title II-A priorities:

- Improve the effectiveness of teachers and principals,
- Achieve equitable distribution of effective teachers and principals,
- Support targeted professional development based on identified needs.

Allowable Activities

Federal funds can support Common Core State Standards (CCSS) activities that meet the allowable costs outlined in E-1 of the federal non-regulatory guidance. Activities could include:

- Activities/trainings regarding the improvement of teaching practices (e.g., effective instructional strategies, methods, and skills)
- Activities/trainings regarding professional development on content knowledge
- Activities/trainings regarding professional development in “best practices” in English Language Arts, math, and literacy across core content areas
- Activities/trainings regarding on how to use data and assessments to improve classroom practice and student learning
- Activities/trainings addressing the needs of students with different learning styles, particularly students with disabilities, students with special needs (including students who are talented and gifted), and students with limited English proficiency
- Activities/trainings involving collaborative groups of teachers and administrators (e.g., Professional Learning Communities (PLCs), data teams, etc.)
- Substitute pay for teachers attending training paid for out of Title II, Part A
- Activities/trainings that deepen content knowledge and improve classroom practice aligned to the expectations of the CCSS
- Activities/trainings regarding the aligning, transitioning, and implementing of CCSS

Non-Allowable Activities

Based on the USDE Title IIA Non-Regulatory Guidance, these Common Core State Standard SEA/LEA activities would not be allowable:

- Activities/trainings/meetings designed to raise awareness about the CCSS
- Activities/trainings/meetings regarding developing curricula and/or curricula mapping for the CCSS
- Travel, printing/supplies, and personnel costs associated with any of the aforementioned activities/trainings/meetings

Supplement, Not Supplant

There is a federal provision of supplement, not supplant in Title II, Part A: *Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized*

under this subpart(s) [Title I, Part A (section 1120A (b); Title II, Part A (section 2113(f), 2123(b); and Title VI, Part B (section 6232)) of the ESEA].

Supplement, Not Supplant Tests

To determine whether a fiscal expenditure supplements and does not supplant, school districts must run the following tests:

- Test I: Required – Is the program or activity that the district wants to fund with ESEA funds required under state, local, or another federal law? If it is, then it is supplanting. The ability of an SEA or LEA to use Title II, Part A funds to carry out activities mandated by a State depends upon whether non-Federal funds are available to carry out those activities. Presumably, in the absence of Title II, Part A funds, the SEA or LEA would use State or local funds to implement any laws enacted by the State legislature or rules mandated by the State Board of Education or the SEA. If that is the case, using Title II, Part A funds for those activities would violate the non-supplanting requirement, because the SEA or LEA would be using Federal funds for activities that it would otherwise support with other funds.
- Test II: Equivalency – Were state or local funds used in the past to pay for this program or activity? If they were, it is supplanting.

In 2012, Oregon received a conditional ESEA waiver from the U.S. Department of Education (USDE). In order to receive the waiver, states were required to adopt College and Career Readiness Standards which in Oregon was the Common Core State Standards (CCSS). This means there are currently state (ORS 329.045 and OAR 581-022-1210) and federal (ESEA Waiver) requirements for CCSS.

An LEA that is using Title II, Part A funds to implement activities related to elements of its SEA's flexibility request that are required by State law or regulations would not violate the "required by law" presumption of supplanting. Test II, however, still applies. If the LEA was using State or local funds to pay for an activity prior to Flexibility, they may not now transfer that activity to Title II, Part A.

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