



Title II, Part A Guidance

Supporting Effective Instruction Subgrants

Introduction

The Every Student Succeeds Act of 2015 reauthorized the Elementary and Secondary Education Act of 1965's (ESEA) Title II, Part A (Title IIA)—Supporting Effective Instruction program. The purpose of this federal program is to provide grants to state educational agencies (SEAs) and subgrants to local education agencies (LEAs) 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 (ESEA § 2001).

The intent of this program is to develop, implement, and evaluate comprehensive professional development programs and activities to address the learning needs of all students.

Notice of Allocation

The Iowa Department of Education (Department) will provide notice in a timely manner, and after Title IIA program estimates have become available to the state. The Department is responsible for determining each LEA's allocation and for ensuring each LEA provides equitable services to nonpublic school teachers, principals, and other school leaders.

Important Definitions

Professional Development

All professional development must meet the definition provided in the law. Specifically, professional development services and programs must meet the definition of "professional development," which requires that the activity be both—

1. *An integral part of school and LEA 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 children to succeed in a well-rounded education and to meet the challenging State academic standards; and*
2. *Sustained* (not stand-alone, one-day, or short term workshops), *intensive, collaborative, job-embedded, data-driven, and classroom-focused* (ESEA § 8101(42)).

Other School Leader

The term other "school leader" means principal, assistant principal, or an individual who is both—

1. An employee of an elementary school or secondary school; and
2. Responsible for the daily instructional leadership and managerial operations in the elementary or secondary school (ESEA § 8101(44)).

For the other school leader to be eligible to receive professional development using Title IIA funds, the individual must meet both parts of the definition. For example, central office staff are not eligible to receive professional development services, as they meet the first part of the definition but do not meet the second part.

Evidence-Based

When used with respect to a LEA or school activity, the term "evidence-based" means an activity, strategy, or intervention that—

1. **Demonstrates a statistically significant effect** on improving student outcomes or other relevant outcomes based on—
 - a. **Strong evidence** from at least one well-designed and well-implemented experimental study;
 - b. **Moderate evidence** from at least one well-designed and well-implemented quasi-experimental study; or
 - c. **Promising evidence** from at least one well-designed and well-implemented correlational study with statistical controls for selection bias; or
2. **Demonstrates a rationale** based on—
 - a. **High-quality research findings or positive evaluation** that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and
 - b. **Includes ongoing efforts** to examine the effects of such activity, strategy, or intervention (ESEA § 8101(21)).

Subgrant Requirements and Recommended Actions

To receive a Title IIA subgrant, a school LEA must complete a list of requirements in the Consolidated Application for ESEA Title Programs, which is located in the Consolidated Accountability and Support Application's (CASA). Among these requirements, the LEA must submit a program application by October 15 of each year and reimbursement claims each quarter. For a full list of the Title IIA subgrant requirements and recommended actions, please see the following table.

ESEA Citation	Action. Related Resource
8501(c)(1)	<p>Engage in timely and meaningful consultation with the appropriate nonpublic school administrators within the LEA and complete the nonpublic consultation agreement for the upcoming school year by March 15. For additional information on the equitable services procedure and process, see the following Equitable Services Requirements section and the Equitable Services for Nonpublic School Students section of the ESSA Guidance and Allocations page.</p>
2102(3)	<p>In developing the application, the LEA must:</p> <ul style="list-style-type: none"> ● Meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders, parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the Title IIA purpose; ● Seek advice from the individuals and organizations regarding how best to improve the LEA's activities to meet the Title IIA purpose; ● Coordinate the LEA's Title IIA activities with other related strategies, programs, and activities being conducted in the community.
2102(b) & 2103(b)	<p>Complete and submit the program application in the CASA system by October 15, including program assurances, a budget, and program questions. For additional program application information, see the following Program Application section.</p>
8501(c)(1)	<p>Continue to engage in meaningful consultation with the appropriate nonpublic school administrators throughout implementation and assessment of the activities to ensure effective implementation and service delivery. For additional information, see the following Equitable Services</p>

ESEA Citation	Action. Related Resource
	Requirements section and the Equitable Services for Nonpublic School Students section of the ESSA Guidance and Allocations page .
2102(3)	<p>Continue to:</p> <ul style="list-style-type: none"> ● Meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders, parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the Title IIA purpose; ● Seek advice from the individuals and organizations regarding how best to improve the LEA's activities to meet the Title IIA purpose; ● Coordinate the LEA's Title IIA activities with other related strategies, programs, and activities being conducted in the community.
	Plan for Title IIA implementation (see Using Evidence to Strengthen Education Investments non-regulatory guidance).
	Implement Title IIA activities (see Using Evidence to Strengthen Education Investments non-regulatory guidance).
	Complete and submit the first quarter reimbursement claim for Title IIA in the CASA system between November 1 and November 30.
	Complete and submit the second quarter reimbursement claim for Title IIA in the CASA system between January 1 and January 31.
	Complete and submit the third quarter reimbursement claim for Title IIA in the CASA system between April 1 and April 30.
	Complete and submit the fourth quarter reimbursement claim for Title IIA in the CASA system between June 1 and July 15.
2104	Submit the annual use of funds report directly to the U.S. Department of Education (ED).

Program Application

Each year, the LEA must complete the annual program application in the CASA system's Consolidated Application by October 15. The program application's content is available in its entirety on the ESSA Guidance and Allocations page and in brief in this section.

Program Questions

The LEA complete the program questions, which includes the following descriptions:

1. What Title IIA activities the LEA proposes to carry out and how these activities will be aligned with challenging State academic standards.
2. What the LEA's systems of professional growth and improvement are, such as induction for teachers, principals, or other school leaders and opportunities for building the capacity of teachers and opportunities to develop meaningful teacher leadership.
3. How the LEA will prioritize funds to its schools that are implementing comprehensive support and improvement activities and targeted support and improvement activities and have the highest percentage of students counted under section 1124(c).
4. How the LEA will use data and ongoing stakeholder consultation to continually update and improve supported Title IIA activities.
5. How the LEA has and will meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (if the LEA has charter schools), parents, community

partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the Title IIA program’s purpose.

6. How the LEA seeks advice from the individuals and organizations described in the previous bullet regarding how best to improve the LEA’s Title IIA activities to meet the program’s purpose.
7. How the LEA will coordinate its Title IIA activities with other related strategies, programs, and activities being conducted in the community.

Program Assurances

The LEA must also assure that the LEA will:

- Comply with ESEA section 8501 (regarding participation by nonpublic school children and teachers).
- Coordinate its Title IIA professional development activities with professional development activities provided through other Federal, State, and local programs.

Program Budget

The LEA must complete a program budget. This includes budgeting 100% of the available funds towards allowable program activities (see the following Allowable Activities section).

Allowable Activities

Cost Allowability Factors

For a program or activity to be allowable under Title IIA, it must comply with all applicable state and federal requirements and, once the application is approved, align with the approved program application. The proposed activity must:

- Be in accordance with the Title IIA program’s purpose (ESEA § 2103(b)(1));
- Address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students (ESEA § 2103(b)(2)); and
- Comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly referred to as Uniform Grant Guidance ([2 CFR Part 200](#)). Factors to consider include, but are not limited to, the factors indicated in the following table.

Table 1. Allowability of costs and questions to consider.

Allowability Factor	Questions to Consider
<p>Necessary (2 CFR §§ 200.403-404) The cost is required for the proper and efficient performance of the subgrant.</p>	<ul style="list-style-type: none"> ● <i>Is the purchase driven by need or data?</i> ● <i>Does this cost support the purpose of the subgrant?</i>
<p>Reasonable (2 CFR §§ 200.403-404) The cost, in its nature and amount, is what a reasonable person would spend under similar circumstances (e.g., ordinary and necessary costs, market price for comparable goods and services).</p>	<ul style="list-style-type: none"> ● <i>Is this cost necessary for the performance of the subgrant or program? Does the program really need this?</i> ● <i>Is the expense targeted to valid programmatic need?</i> ● <i>Is it in the approved program application? (After program application approval)</i> ● <i>Does the LEA have the capacity to use what is being purchased?</i> ● <i>Did the LEA pay a fair rate?</i> ● <i>Is this the same rate the other Federal programs are paying?</i> ● <i>Is it sustainable?</i> ● <i>Are there competing initiatives?</i> ● <i>If the LEA were asked to defend this purchase, would it be able to?</i>
<p>Allocable (2 CFR § 200.405) The cost is incurred specifically for the benefit of the Title IIA program and</p>	<ul style="list-style-type: none"> ● <i>Is the amount charged to the subgrant commensurate with the benefit received? If a subgrant charges 100% of a cost to the subgrant then the entire benefit from the expenditure, 100% must serve the purpose of the subgrant.</i>

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Allowability Factor	Questions to Consider
distributed proportionately in relation to the benefit.	<ul style="list-style-type: none"> • <i>Can the benefit received be determined especially if sharing costs with other programs?</i>
<p>Conforms to limitations and exclusions (2 CFR § 200.403(b)) The cost is permissible under the Title IIA program, the subgrant award, and Uniform Grant Guidance.</p>	<ul style="list-style-type: none"> • <i>Does the cost meet the supplement, not supplant, provision (ESEA § 2301) of the law?</i> The provision requires that program funds be used to enhance, expand, increase, or extend the programs and services offered with other Federal, State, and/or local funds. This means that Federal funds cannot be used to supplant, or take the place of, funds that would have been spent if these Title IIA funds were not available. Supplanting is presumed if an activity: <ul style="list-style-type: none"> ○ Would ordinarily be covered with other Federal, State, or local funds; ○ Was previously funded with other Federal, State, or local funds; or ○ Is State-mandated or required by Federal law. • <i>Does the professional development cost meet both parts of the definition under the law (ESEA § 8101(42))?</i> • <i>Is the cost related to any of the following prohibited activities (ESEA § 8526)?</i> <ul style="list-style-type: none"> ○ Construction, renovation, or repair of any school facility, except as authorized under the law; ○ Transportation unless otherwise authorized under the law; ○ Development or distribution of materials, or operation of instructional programs or courses directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual; ○ Distribution or aiding in the distribution by any organization of legally obscene materials to minors on school grounds; ○ Provision of sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or ○ Operation of a program of contraceptive distribution in schools.
<p>Consistent with LEA policies and procedures (2 CFR § 200.403(c)) The cost is consistent with LEA policies and procedures that are applied uniformly across funding sources, whether Federal, State, or local.</p>	
<p>Consistent treatment (2 CFR § 200.403(d)) The cost is treated consistently.</p>	<ul style="list-style-type: none"> • <i>Is this cost assigned as direct or indirect cost in similar circumstances?</i> The LEA cannot assign the cost to a Federal award as a direct cost if the LEA has allocated the same type of cost in similar circumstances to the Federal award as an indirect cost.
<p>Accordance with generally accepted accounting principles (GAAP); 2 CFR § 200.403(e)) The cost is in accordance with the GAAP.</p>	
<p>Cost sharing or matching (2 CFR § 200.403(f)) The cost is not used to meet cost sharing or matching requirements of any other federally-funded program.</p>	
<p>Documentation (2 CFR § 200.403(g)) The cost is adequately documented.</p>	

Allowability Factor	Questions to Consider
Budget period (2 CFR § 200.403(h)) The cost is incurred during the approved budget period.	

Examples of Allowable Activities

Allowable activities may include, among other programs and activities, those included in the following table (ESEA § 2103(b)(3)).

ESEA Citation	Allowable Activity	Notes
2103(b)(3)(A)	Developing or improving a rigorous, transparent, and fair evaluation and support system for teachers, principals, or other school leaders that— <ul style="list-style-type: none"> • Is based in part on evidence of student achievement, which may include student growth; and • Must include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, or other school leaders; 	
2103(b)(3)(B)	Developing and implementing initiatives to assist in recruiting, hiring, and retaining effective teachers, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet the challenging State academic standards, to improve within-LEA equity in the distribution of teachers, consistent with section 1111(g)(1)(B) [<i>“any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers”</i>];	Examples include initiatives that provide— <ol style="list-style-type: none"> 1. Expert help in screening candidates and enabling early hiring; 2. 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; 3. Teacher, paraprofessional, principal, or other school leader advancement and professional growth, and an emphasis on leadership opportunities, multiple career paths, and pay differentiation; 4. New teacher, principal, or other school leader induction and mentoring programs that are designed to— <ul style="list-style-type: none"> ○ Improve classroom instruction and student learning and achievement; and ○ Increase the retention of effective teachers, principals, or other school leaders; 5. The development and provision of training for school leaders, coaches, mentors, and evaluators on how accurately to differentiate performance, provide useful feedback, and use evaluation results to inform decisionmaking about professional development, improvement strategies, and personnel decisions; and 6. A system for auditing the quality of evaluation and support systems;

ESEA Citation	Allowable Activity	Notes
2103(b)(3)(C)	Recruiting qualified individuals from other fields to become teachers, principals, or other school leaders, including mid-career professionals from other occupations, former military personnel, and recent graduates of institutions of higher education with records of academic distinction who demonstrate potential to become effective teachers, principals, or other school leaders;	
2103(b)(3)(D)	Reducing class size to a level that is evidence-based, to the extent the State (in consultation with LEAs in the State) determines that such evidence is reasonably available, to improve student achievement through the recruiting and hiring of additional effective teachers;	<p>This activity is only allowable for LEAs. Title IIA funds may be used to reduce class size if the initiative meets all the following criteria, which have been established by scientifically-based research and have been based upon a needs assessment. The impact on student achievement must be measurable.</p> <ul style="list-style-type: none"> ● Based on local needs assessment; and ● Must reduce class size to a reasonable, evidence-based level, to further student achievement; and ● In grades kindergarten through third grade (K-3); and ● In classes taught by highly-qualified and highly-effective teachers who adjust instructional strategies to fit reduced class size.
2103(b)(3)(E)	<p>Providing high-quality, personalized professional development that is evidence-based, to the extent the State (in consultation with LEAs in the State) determines that such evidence is reasonably available, for teachers, instructional leadership teams, principals, or other school leaders, that is focused on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, or other school leaders to—</p> <ul style="list-style-type: none"> ● Effectively integrate technology into curricula and instruction (including education about the harms of copyright piracy); ● Use data to improve student achievement and understand how to ensure individual student privacy is protected, as required under section 444 of the General Education Provisions Act (commonly known as the "Family Educational Rights and Privacy Act of 1974") (20 U.S.C. 1232g) and State and local policies and laws in the use of such data; ● Effectively engage parents, families, and community partners, and coordinate services between school and community; 	

ESEA Citation	Allowable Activity	Notes
	<ul style="list-style-type: none"> • 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; 	
2103(b)(3)(F)	Developing programs and activities that increase the ability of teachers to effectively teach children with disabilities, including children with significant cognitive disabilities, and English learners, which may include the use of multi-tier systems of support and positive behavioral intervention and supports, so that such children with disabilities and English learners can meet the challenging State academic standards;	
2103(b)(3)(G)	Providing programs and activities to increase— <ul style="list-style-type: none"> • 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; and • 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 8, 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; 	
2103(b)(3)(H)	Providing training, technical assistance, and capacity-building in LEAs 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;	
2103(b)(3)(I)	Carrying out in-service training for school personnel in— <ul style="list-style-type: none"> • 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 	

ESEA Citation	Allowable Activity	Notes
	<p>services in the school and in the community, where appropriate;</p> <ul style="list-style-type: none"> • Forming partnerships between school-based mental health programs and public or private mental health organizations; and • Addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism; 	
2103(b)(3)(J)	<p>Providing 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;</p>	<p>Examples:</p> <ul style="list-style-type: none"> • Early entrance to kindergarten; • Enrichment, acceleration, and curriculum compacting activities; and • Dual or concurrent enrollment programs in secondary school and postsecondary education;
2103(b)(3)(K)	<p>Supporting the instructional services provided by effective school library programs;</p>	
2103(b)(3)(L)	<p>Providing 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;</p>	
2103(b)(3)(M)	<p>Developing and providing 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;</p>	
2103(b)(3)(N)	<p>Developing feedback mechanisms to improve school working conditions, including through periodically and publicly reporting results of educator support and working conditions feedback;</p>	
2103(b)(3)(O)	<p>Providing 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), which may include providing common planning time, to help prepare students for postsecondary education and the workforce; and</p>	
2103(b)(3)(P)	<p>Carrying out other activities that are evidence-based, to the extent the State (in consultation with LEAs in the State) determines that such evidence is reasonably available, and identified by the LEA that meet Title IIA's purpose.</p>	
	<p>Administrative costs</p>	<p>This activity is only allowable for LEAs.</p>

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Equitable Services Requirements

Consultation Requirements

The LEA must engage in “timely and meaningful” consultation with the appropriate nonpublic school administrators within the LEA:

1. In the spring prior to the start of the new school year;
2. Before the LEA makes any decisions that affect eligible teachers, principals, and/or other school leaders’ opportunities to participate; and
3. Throughout the implementation and assessment of the activities to ensure effective implementation and service delivery.

All parties represented in the consultation process must:

- Possess the authority to act on behalf of the LEA or nonpublic school; and
- Seek to reach agreement on how to provide equitable and effective services for eligible nonpublic school students.

The goal of consultation is agreement between the LEA and appropriate nonpublic school officials on how to provide equitable and effective professional development activities and/or programs for eligible nonpublic school teachers, principals, and other school leaders (ESEA § 8501(c)(1)).

During the consultation meetings, the LEA and nonpublic school officials must discuss all of the required consultation topics (ESEA § 8501(c)(1)), which includes the following:

- How the students’ needs will be identified;
- What services will be offered;
- How, where, and by whom the services will be provided;
- How the services will be assessed and how the results of the assessment will be used to improve those services;
- The size and scope of the equitable services to be provided to eligible teachers, principals, and other school leaders, the amount of funds available for those services.
- How and when the LEA will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the nonpublic school officials on the provision of contract services through potential third-party providers;
- Whether the LEA will provide those services directly; through a separate government agency, consortium, or entity; or through an independent third-party provider; and
 - Whether to provide equitable services to eligible nonpublic school teachers, principals, and other school leaders—
 - By creating a pool of funds with all funds allocated or
 - On a school-by-school basis based on the individual school’s proportionate share of funds available.

Nonpublic consultation cannot interfere with the timely submission of the required Title IIA application. The LEA must determine which equitable services to provide based on the specific needs identified by the nonpublic (e.g., student, teacher). They are not based on the needs of nonpublic school itself nor a dollar amount for services. For additional information regarding the equitable service process and procedures, including the complaint procedures, see the [Equitable Services for Nonpublic School Students](#) section of the ESSA Guidance and Allocations page.

Nonpublic Consultation Agreement

The LEA must record the results of the nonpublic consultation in the nonpublic consultation agreement in the CASA system and ensure the head nonpublic administrator confirms the accuracy of the agreement by March 15. The LEA must maintain a record of the nonpublic consultation agreement.

Obligation of Funds

The LEA must obligate the amount of its allocation reserved for equitable professional development services to eligible nonpublic school teachers, principals, and other school leaders in the fiscal year for which the LEA receives funds (ESEA § 8501(a)(4)(B); i.e., current school year).

- The purpose of this requirement is to ensure that a LEA uses the Title IIA funds for equitable services to eligible teachers, principals, and other school leaders receive professional development services to which they are entitled in a timely manner.
- This provision reinforces the requirement that the LEA conduct timely consultation with nonpublic school officials to design appropriate equitable services so that those services can begin at the beginning of the school year for which the funds are appropriated.

Title II, Part A Formula to Determine the Amount for Equitable Services

The Department determines the amount the LEA must reserve of its Title IIA allocation to provide equitable services for nonpublic school teachers, principals, and other school leaders based on the LEA’s total Title IIA allocation, less administrative costs (see B3 of Table 1). The Department calculates this amount on a per-pupil basis (see C1), based on the amount available for all public and nonpublic school students enrolled in a participating nonpublic elementary and secondary school within the LEA—regardless of a student’s residency—taking into consideration the number and needs of the children and their eligible teachers, principals, and other school leaders.

The equitable share for Title IIA services must be calculated on the basis of the LEA’s total Title IIA allocation minus administrative costs .

1. The LEA’s equitable share is determined by first calculating the amount of Title IIA funds available on a per-pupil basis (see C3), based on the total number of public and nonpublic school students enrolled in a participating nonpublic elementary and secondary school within the LEA—regardless of a student’s residency.
2. This amount is then multiplied by the number of students enrolled in a participating nonpublic school.

The following is an example of the formula to determine the equitable share for Title IIA services:

Table 1. Example of equitable service calculation.

Component	Number
A. Number of Students	
1. LEA Enrollment	900
2. Participating Nonpublic Schools Enrollment	100
3. Total Enrollment = A1+A2	1,000
B. Title IIA Allocation	
1. Total LEA Allocation	\$1,000,000
2. Administrative Costs (public and nonpublic school programs)	\$50,000
3. LEA Allocation Minus Admin Costs = B1-B2	\$950,000
C. Per Pupil Rate	
1. B3 divided by A3	\$950
D. Equitable Services	
Amount LEA must reserve for equitable services for nonpublic school teachers, principals, and other school leaders = A2xC1	\$95,000

Additional Equitable Service Allowability Considerations

Like the allowable activities mentioned in the previous Allowable Activities section, the LEA may use Title IIA funds to provide professional development activities for eligible teachers, principals, and other school leaders to address the specific needs of their students or toward another permissible use. In this provision of services, the LEA must:

- Comply with all state and federal requirements (e.g., be an allowable use of Title IIA funds; reasonable, necessary, and allocable; see the previous Allowable Activities section of the guidance).
- Ensure that the services meet the specific needs of eligible teachers, principals, and other school leaders and do not benefit the school itself (34 CFR 299.10).
- Ensure that all services are “secular, neutral, and nonideological”(ESEA § 8501(a)(2)); and
- Maintain control of the public funds at all times (ESEA § 8501(d)(1)). This includes but is not limited to:
 - Maintaining title to materials, equipment, and property purchased with Title IIA funds;
 - Ensuring that all services are provided by either an employee of the LEA or through an independent third-party contractor. These providers must be independent of the nonpublic school, and the employment or contract must be under the LEA’s control and supervision (ESEA § 8501(d)(2)).

Important note: Equitable services under Title IIA cannot be used for class-size reduction in a nonpublic school because contracts for nonpublic school teachers, principals, and other school leaders would be inconsistent with the requirements in ESEA section 8501(d) regarding public control of funds and the supervision and control of employees or contractors.

State-level activities and the participation of nonpublic schools

State-level activities in which nonpublic school teachers, principals, and other school leaders may participate should be determined in consultation between the Department and appropriate nonpublic school representatives. But as with the permissible uses of Title IIA funds a LEA makes available for equitable services any activity the Department provides to nonpublic school teachers, principals, and other school leaders under Title IIA must primarily benefit the children enrolled in the nonpublic school, not the school itself.

Questions and Additional Resources

For program contact information and resources, please see the Department’s [ESSA Guidance and Allocations](#) and [Consolidated Application for ESEA Title Programs](#) pages.