

Your Question:

You requested information about the total amount of ESSA funds reserved for use by State Education Agencies corresponding to each title of the law. You also wished to know whether the law required or allowed these funds to be used by State Education Agencies, and the allowable uses for these reserved funds.

Our Response:

ESSA, the Every Student Succeeds Act, is the latest reauthorization of the Elementary and Secondary Education Act of 1965. The law is divided into nine numbered sections referred to as titles. Each title includes information about any federal allocations to states within that title, as well as the details about how those funds are required to be spent.

State Set-Asides in ESSA

The following table provides a summary of the state set-asides in ESSA by title of the law. All of these set-asides are allowed, and not required, by law. Allowable uses of funds, and full applicable legislative language by title, are excerpted in the title by title breakdown in the pages that follow.

ESSA State Set-Asides by Title

ESSA Title	Amount of Allowable State Set-Aside	Relevant Section of Law
Title I	7% of total amount allocated to state	SEC. 1003. SCHOOL IMPROVEMENT
	3% (in addition to 7%) of total amount allocated to state	SEC. 1003A. DIRECT STUDENT SERVICES
Title II	5% of total amount allocated to state	SEC. 2101. FORMULA GRANTS TO STATES (c)(1)
	3% (in addition to 5%) of total amount allocated to state	SEC. 2101. FORMULA GRANTS TO STATES (c)(3)
Title III	5% of total amount allocated to state	SEC. 3111. FORMULA GRANTS TO STATES
Title IV	5% of total amount allocated to state	SEC. 4104. STATE USE OF FUNDS
Title V	5% of total amount allocated to state	SEC. 5222. USES OF FUNDS
Title VI	None	N/A
Title VII	None	N/A
Title VIII	None	N/A
Title IX	None	N/A

The links provided in the table are to the USDOE mark-up versions of each title. The full text of the bill can be found here (unformatted):

<https://www.congress.gov/bill/114th-congress/senate-bill/1177/text>

And here (formatted):

<https://www.gpo.gov/fdsys/pkg/BILLS-114s1177enr/pdf/BILLS-114s1177enr.pdf>

ADDITIONAL RESOURCES:

USDOE landing page - <https://www2.ed.gov/policy/landing.jhtml>

Non-Regulatory Guidance to States - <https://www2.ed.gov/programs/sfgp/nrgcomp.html>

Legislative Language by Title

Title I -- SEAs may reserve 7% plus 3%

TITLE I--IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

<https://www2.ed.gov/policy/elsec/leg/essa/legislation/title-i.pdf>

Part A--Improving Basic Programs Operated by State and Local Educational Agencies

SEC. 1003. SCHOOL IMPROVEMENT.

(a) State Reservations.--To carry out subsection (b) and the State educational agency's statewide system of technical assistance and support for local educational agencies, each State shall reserve the greater of--

- (1) 7 percent of the amount the State receives under subpart 2 of part A; or
- (2) the sum of the amount the State--

- (A) reserved for fiscal year 2016 under this subsection, as in effect on the day before the date of enactment of the Every Student Succeeds Act; and
- (B) received for fiscal year 2016 under subsection (g), as in effect on the day before the date of enactment of the Every Student Succeeds Act.

(b) USES.—Of the amount reserved under subsection (a) for any fiscal year, the State educational agency—

(2) shall use the funds not allocated to local educational agencies under paragraph (1) to carry out this section, which shall include—

- (A) establishing the method, consistent with paragraph (1)(A), the State will use to allocate funds to local educational agencies under such paragraph, including ensuring—
 - (i) the local educational agencies receiving an allotment under such paragraph represent the geographic diversity of the State; and
 - (ii) that allotments are of sufficient size to enable a local educational agency to effectively implement selected strategies;
- (B) monitoring and evaluating the use of funds by local educational agencies receiving an allotment under such paragraph; and
- (C) as appropriate, reducing barriers and providing operational flexibility for schools in the implementation of comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d).

SEC. 1003A. DIRECT STUDENT SERVICES.

(a) State Reservation.—

(1) In general.--

(A) States.--Each State educational agency, after meaningful consultation with geographically diverse local educational agencies described in subparagraph (B), may reserve not more than 3

percent of the amount the State educational agency receives under subpart 2 of part A for each fiscal year to carry out this section.

(B) Consultation.--A State educational agency shall consult under subparagraph (A) with local educational agencies that include--

- (i) suburban, rural, and urban local educational agencies;
- (ii) local educational agencies serving a high percentage of schools identified by the State for comprehensive support and improvement under section 1111(c)(4)(D)(i); and
- (iii) local educational agencies serving a high percentage of schools implementing targeted support and improvement plans under section 1111(d)(2).

(2) Program administration.--Of the funds reserved under paragraph (1)(A), the State educational agency may use not more than 1 percent to administer the program described in this section.

(b) AWARDS.—

(1) IN GENERAL.—From the amount reserved under subsection (a) by a State educational agency, the State educational agency shall award grants to geographically diverse local educational agencies described in subsection (a)(1)(B)(i).

(2) PRIORITY.—In making such awards, the State educational agency shall prioritize awards to local educational agencies serving the highest percentage of schools, as compared to other local educational agencies in the State—

- (A) identified by the State for comprehensive support and improvement under section 1111(c)(4)(D)(i); or
- (B) implementing targeted support and improvement plans under section 1111(d)(2).

Title II – SEAs may reserve 5% plus 3%

TITLE II--PREPARING, TRAINING, AND RECRUITING HIGH-QUALITY TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS

<https://www2.ed.gov/policy/elsec/leg/essa/legislation/title-ii.pdf>

PART A--SUPPORTING EFFECTIVE INSTRUCTION

SEC. 2101. FORMULA GRANTS TO STATES.

(c) State Uses of Funds.--

(1) In general.--Except as provided under paragraph (3), each State that receives an allotment under subsection (b) for a fiscal year shall reserve not less than 95 percent of such allotment to make subgrants to local educational agencies for such fiscal year, as described in section 2102.

(2) State administration.--A State educational agency may use not more than 1 percent of the amount allotted to such State under subsection (b) for the administrative costs of carrying out such State educational agency's responsibilities under this part.

(3) Principals or other school leaders.--Notwithstanding paragraph (1) and in addition to funds otherwise available for activities under paragraph (4), a State educational agency may reserve not more than 3 percent of the amount reserved for subgrants to local educational agencies under paragraph (1) for one or more of the activities for principals or other school leaders that are described in paragraph (4).

(4) STATE ACTIVITIES.—

(A) IN GENERAL.—The State educational agency for a State that receives an allotment under subsection (b) may use funds not reserved under paragraph (1) to carry out 1 or more of the activities described in subparagraph (B), which may be implemented in conjunction with a State

agency of higher education (if such agencies are separate) and carried out through a grant or contract with a for-profit or nonprofit entity, including an institution of higher education.

(B) TYPES OF STATE ACTIVITIES.—The activities described in this subparagraph are the following:

(i) Reforming teacher, principal, or other school leader certification, recertification, licensing, or tenure systems or preparation program standards and approval processes to ensure that—

(I) teachers have the necessary subject-matter knowledge and teaching skills, as demonstrated through measures determined by the State, which may include teacher performance assessments, in the academic subjects that the teachers teach to help students meet challenging State academic standards;

(II) principals or other school leaders have the instructional leadership skills to help teachers teach and to help students meet such challenging State academic standards; and

(III) teacher certification or licensing requirements are aligned with such challenging State academic standards.

(ii) Developing, improving, or providing assistance to local educational agencies to support the design and implementation of teacher, principal, or other school leader evaluation and support systems that are based in part on evidence of student academic achievement, which may include student growth, and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, or other school leaders, such as by—

(I) developing and disseminating high-quality evaluation tools, such as classroom observation rubrics, and methods, including training and auditing, for ensuring inter-rater reliability of evaluation results;

(II) developing and providing training to principals, other school leaders, coaches, mentors, and evaluators on how to accurately differentiate performance, provide useful and timely feedback, and use evaluation results to inform decision-making about professional development, improvement strategies, and personnel decisions; and

(III) developing a system for auditing the quality of evaluation and support systems.

(iii) Improving equitable access to effective teachers.

(iv) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers (especially for teachers of children with disabilities, English learners, science, technology, engineering, mathematics, or other areas where the State experiences a shortage of educators), principals, or other school leaders, for—

(I) individuals with a baccalaureate or master's degree, or other advanced degree;

(II) mid-career professionals from other occupations;

(III) paraprofessionals;

(IV) former military personnel; and

(V) recent graduates of institutions of higher education with records of academic distinction who demonstrate the potential to become effective teachers, principals, or other school leaders.

(v) Developing, improving, and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining teachers, principals, or other school leaders who are effective in improving student academic achievement,

including effective teachers from underrepresented minority groups and teachers with disabilities, such as through—

- (I) opportunities for effective teachers to lead evidence-based (to the extent the State determines that such evidence is reasonably available) professional development for the peers of such effective teachers; and
 - (II) providing training and support for teacher leaders and principals or other school leaders who are recruited as part of instructional leadership teams.
- (vi) Fulfilling the State educational agency’s responsibilities concerning proper and efficient administration and monitoring of the programs carried out under this part, including provision of technical assistance to local educational agencies.
- (vii) Developing, or assisting local educational agencies in developing—
- (I) career opportunities and advancement initiatives that promote professional growth and emphasize multiple career paths, such as instructional coaching and mentoring (including hybrid roles that allow instructional coaching and mentoring while remaining in the classroom), school leadership, and involvement with school improvement and support;
 - (II) strategies that provide differential pay, or other incentives, to recruit and retain teachers in high-need academic subjects and teachers, principals, or other school leaders, in low-income schools and school districts, which may include performance-based pay systems; and
 - (III) new teacher, principal, or other school leader induction and mentoring programs that are, to the extent the State determines that such evidence is reasonably available, evidence-based, and designed to—
 - (aa) improve classroom instruction and student learning and achievement, including through improving school leadership programs; and
 - (bb) increase the retention of effective teachers, principals, or other school leaders.
- (viii) Providing assistance to local educational agencies for the development and implementation of high-quality professional development programs for principals that enable the principals to be effective and prepare all students to meet the challenging State academic standards.
- (ix) Supporting efforts to train teachers, principals, or other school leaders to effectively integrate technology into curricula and instruction, which may include training to assist teachers in implementing blended learning (as defined in section 4102(1)) projects.
- (x) Providing training, technical assistance, and capacity-building to local educational agencies that receive a subgrant under this part.
- (xi) Reforming or improving teacher, principal, or other school leader preparation programs, such as through establishing teacher residency programs and school leader residency programs.
- (xii) Establishing or expanding teacher, principal, or other school leader preparation academies, with an amount of the funds described in subparagraph (A) that is not more than 2 percent of the State’s allotment, if—
- (I) allowable under State law;
 - (II) the State enables candidates attending a teacher, principal, or other school leader preparation academy to be eligible for State financial aid to the same extent as participants in other State-approved teacher or principal

preparation programs, including alternative certification, licensure, or credential programs; and

(III) the State enables teachers, principals, or other school leaders who are teaching or working while on alternative certificates, licenses, or credentials to teach or work in the State while enrolled in a teacher, principal, or other school leader preparation academy.

(xiii) Supporting the instructional services provided by effective school library programs.

(xiv) Developing, or assisting local educational agencies in developing, strategies that provide teachers, principals, or other school leaders with the skills, credentials, or certifications needed to educate all students in postsecondary education coursework through early college high school or dual or concurrent enrollment programs.

(xv) 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.

(xvi) Supporting opportunities for principals, other school leaders, teachers, paraprofessionals, early childhood education program directors, and other early childhood education program providers to participate in joint efforts to address the transition to elementary school, including issues related to school readiness.

(xvii) 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.

(xviii) Supporting the professional development and improving the instructional strategies of teachers, principals, or other school leaders to integrate career and technical education content into academic instructional practices, which may include training on best practices to understand State and regional workforce needs and transitions to postsecondary education and the workforce.

(xix) Enabling States, as a consortium, to voluntarily develop a process that allows teachers who are licensed or certified in a participating State to teach in other participating States without completing additional licensure or certification requirements, except that nothing in this clause shall be construed to allow the Secretary to exercise any direction, supervision, or control over State teacher licensing or certification requirements.

(xx) Supporting and developing efforts to train teachers on the appropriate use of student data to ensure that individual student privacy is protected as required by 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 in accordance with State student privacy laws and local educational agency student privacy and technology use policies.

(xxi) Supporting other activities identified by the State that are, to the extent the State determines that such evidence is reasonably available, evidence-based and that meet the purpose of this title.

Title III – SEAs may reserve 5%

TITLE III--LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

Education Commission of the States strives to respond to information requests within 24 hours. This document reflects our best efforts but it may not reflect exhaustive research. Please let us know if you would like a more comprehensive response. Our staff is also available to provide unbiased advice on policy plans, consult on proposed legislation and testify at legislative hearings as third-party experts.

Subpart 1 — Grants and Subgrants for English Language Acquisition and Language Enhancement

SEC. 3111. FORMULA GRANTS TO STATES.

(2) STATE ACTIVITIES. Subject to paragraph (3), each State educational agency receiving a grant under subsection (a) may reserve not more than 5 percent of the agency's allotment under subsection (c) to carry out one or more of the following activities:

(A) Establishing and implementing, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the State, standardized statewide entrance and exit procedures, including a requirement that all students Title III – page 3 of 26 who may be English learners are assessed for such status within 30 days of enrollment in a school in the State.

(B) Providing effective teacher and principal preparation, effective professional development activities, and other effective activities related to the education of English learners, which may include assisting teachers, principals, and other educators in—

- (i) meeting State and local certification and licensing requirements for teaching English learners; and
- (ii) improving teaching skills in meeting the diverse needs of English learners, including how to implement effective programs and curricula on teaching English learners.

(C) Planning, evaluation, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

(D) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in—

- (i) identifying and implementing effective language instruction educational programs and curricula for teaching English learners;
- (ii) helping English learners meet the same challenging State academic standards that all children are expected to meet;
- (iii) identifying or developing, and implementing, measures of English proficiency; and
- (iv) strengthening and increasing parent, family, and community engagement in programs that serve English learners.

(E) Providing recognition, which may include providing financial awards, to recipients of subgrants under section 3115 that have significantly improved the achievement and progress of English learners in meeting—

- (i) the State-designed long-term goals established under section 1111(c)(4)(A)(ii), including measurements of interim progress towards meeting such goals, based on the State's English language proficiency assessment under section 1111(b)(2)(G); and
- (ii) the challenging State academic standards.

(3) DIRECT ADMINISTRATIVE EXPENSES. From the amount reserved under paragraph (2), a State educational agency may use not more than 60 50 percent of such amount or \$175,000, whichever is greater, for the planning and direct administrative costs of carrying out paragraphs (1) and (2).

Title IV – SEAs may reserve 5%

TITLE IV--21ST CENTURY SCHOOLS

SEC. 4104. STATE USE OF FUNDS.

(a) IN GENERAL.—Each State that receives an allotment under section 4103 for a fiscal year shall—

(1) reserve not less than 95 percent of the allotment to make allocations to local educational agencies under section 4105;

(2) reserve not more than 1 percent of the allotment for the administrative costs of carrying out its responsibilities under this subpart, including public reporting on how funds made available under this subpart are being expended by local educational agencies, including the degree to which the local educational agencies have made progress toward meeting the objectives and outcomes described in section 4106(e)(1)(E); and

(3) use the amount made available to the State and not reserved under paragraphs (1) and (2) for activities described in subsection (b).

(b) STATE ACTIVITIES.—Each State that receives an allotment under section 4103 shall use the funds available under subsection (a)(3) for activities and programs designed to meet the purposes of this subpart, which may include—

(1) providing monitoring of, and training, technical assistance, and capacity building to, local educational agencies that receive an allotment under section 4105;

(2) identifying and eliminating State barriers to the coordination and integration of programs, initiatives, and funding streams that meet the purposes of this subpart, so that local educational agencies can better coordinate with other agencies, schools, and community-based services and programs; or

(3) supporting local educational agencies in providing programs and activities that—

(A) offer well-rounded educational experiences to all students, as described in section 4107, including female students, minority students, English learners, children with disabilities, and low-income students who are often underrepresented in critical and enriching subjects, which may include—

(i) increasing student access to and improving student engagement and achievement in—

(I) high-quality courses in science, technology, engineering, and mathematics, including computer science;

(II) activities and programs in music and the arts;

(III) foreign languages;

(IV) accelerated learning programs that provide—

(aa) postsecondary level courses accepted for credit at institutions of higher education, including dual or concurrent enrollment programs, and early college high schools; or

(bb) postsecondary level instruction and examinations that are accepted for credit at institutions of higher education, including Advanced Placement and International Baccalaureate programs;

(V) American history, civics, economics, geography, social studies, or government education;

(VI) environmental education; or

(VII) other courses, activities, and programs or other experiences that contribute to a wellrounded education; or

(ii) reimbursing low-income students to cover part or all of the costs of accelerated learning examination fees, as described in clause (i)(IV);

(B) foster safe, healthy, supportive, and drug-free environments that support student academic achievement, as described in section 4108, which may include—

(i) coordinating with any local educational agencies or consortia of such agencies implementing a youth PROMISE plan to reduce exclusionary discipline, as described in section 4108(5)(F);

(ii) supporting local educational agencies to—

(I) implement mental health awareness training programs that are evidence-based (to the extent the State determines that such evidence is reasonably available) to provide education to school personnel regarding resources available in the community for students with mental illnesses and other relevant resources relating

- to mental health or the safe de-escalation of crisis situations involving a student with a mental illness; or
 - (II) expand access to or coordinate resources for school-based counseling and mental health programs, such as through school-based mental health services partnership programs;
 - (iii) providing local educational agencies with resources that are evidence-based (to the extent the State determines that such evidence is reasonably available) addressing ways to integrate health and safety practices into school or athletic programs; and
 - (iv) disseminating best practices and evaluating program outcomes relating to any local educational agency activities to promote student safety and violence prevention through effective communication as described in section 4108(5)(C)(iv); and
- (C) increase access to personalized, rigorous learning experiences supported by technology by—
- (i) providing technical assistance to local educational agencies to improve the ability of local educational agencies to—
 - (I) identify and address technology readiness needs, including the types of technology infrastructure and access available to the students served by the local educational agency, including computer devices, access to school libraries, Internet connectivity, operating systems, software, related network infrastructure, and data security;
 - (II) use technology, consistent with the principles of universal design for learning, to support the learning needs of all students, including children with disabilities and English learners; and
 - (III) build capacity for principals, other school leaders, and local educational agency administrators to support teachers in using data and technology to improve instruction and personalize learning;
 - (ii) supporting schools in rural and remote areas to expand access to high-quality digital learning opportunities;
 - (iii) developing or using strategies that are innovative or evidence-based (to the extent the State determines that such evidence is reasonably available) for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology, which may include increased access to online dual or concurrent enrollment opportunities, career and technical courses, and programs leading to a recognized postsecondary credential (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102));
 - (iv) disseminating promising practices related to technology instruction, data security, and the acquisition and implementation of technology tools and applications, including through making such promising practices publicly available on the website of the State educational agency;
 - (v) providing teachers, paraprofessionals, school librarians and media personnel, specialized instructional support personnel, and administrators with the knowledge and skills to use technology effectively, including effective integration of technology, to improve instruction and student achievement, which may include coordination with teacher, principal, and other school leader preparation programs; and
 - (vi) making instructional content widely available through open educational resources, which may include providing tools and processes to support local educational agencies in making such resources widely available.

(c) SPECIAL RULE.—A State that receives a grant under this subpart for fiscal year 2017 may use the amount made available to the State and not reserved under paragraphs (1) and (2) of subsection (a) for such fiscal year to cover

part or all of the fees for accelerated learning examinations taken by low-income students during the 2016-2017 school year, in accordance with subsection (b)(3)(A)(ii).

Title V – SEAs may reserve 5%

TITLE V--STATE INNOVATION AND LOCAL FLEXIBILITY

<https://www2.ed.gov/policy/elsec/leg/essa/legislation/title-v.pdf>

SEC. 5222. USES OF FUNDS.

(b) ADMINISTRATIVE COSTS. A State educational agency receiving a grant under this subpart may not use more than 5 percent of the amount of the grant for State administrative costs and to provide technical assistance to eligible local educational agencies.

Title VI – no state set-aside

TITLE VI--INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

<https://www2.ed.gov/policy/elsec/leg/essa/legislation/title-vi.pdf>

Provides direct grants from USDOE, mostly to LEAs – no state allocation, no state set-aside.

Title VII – no state set-aside

TITLE VII--IMPACT AID

<https://www2.ed.gov/policy/elsec/leg/essa/legislation/title-vii.pdf>

Provides direct grants from USDOE, mostly to LEAs – no state allocation, no state set-aside.

Title VIII – no state set-aside

TITLE VIII--GENERAL PROVISIONS

<https://www2.ed.gov/policy/elsec/leg/essa/legislation/title-viii.pdf>

No allocations through this title.

Title IX – no state set-aside

TITLE IX--EDUCATION FOR THE HOMELESS AND OTHER LAWS

Homeless Youth is a grant program administered directly by USDOE – no state allocations or set-asides.

The rest of this title provides no allocations.