Key Takeaways from U.S. ED Non-Regulatory Guidance for Title IV – SSAE
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Introduction

In October 2016, the U.S. Department of Education (ED) released its first non-regulatory guidance for the Student Support and Academic Enrichment (SSAE) Grants, otherwise known as Title IV, Part A of the Every Student Succeeds Act (ESSA).

NAfME policy staff have conducted an analysis of the ED’s Title IV guidance, and noted some key takeaways that may be beneficial for music educators.

What is SSAE – Title IV, Part A?

The Title IV, Part A block grant is a new program created by the new, bipartisan "Every Student Succeeds Act" (ESSA), signed into law on December 10, 2015. The program, also known as the Student Support and Academic Enrichment (SSAE) Grants, is intended to help states and school districts better serve disadvantaged students by providing access to a well-rounded education, including music education. Funds dispersed through SSAE are distributed through a ‘formula to formula’ process, where the dollars are allocated to each state, then to each and every district.

Rules/Regulations vs. Guidance

As part of the lawmaking process, after Congress creates and passes laws that govern the United States, Congress authorizes the Executive Branch – in this case, the Department of Education (ED) – to help implement those laws by creating and enforcing regulations.

Regulations

The ED often researches issues and, if necessary, proposes a regulation, also known as a Notice of Proposed Rulemaking (NPRM). The proposal is listed in the Federal Register (FR) so members of the public, such as educators or groups like NAfME, can consider the proposal and send their comments to the ED. Once the ED reviews and considers the comments received, they revise the regulation accordingly and issue a final rule. Regulations and rules are legally binding and uphold the weight of law, similar to passed legislation.

Both proposed regulations and final rules are published in the FR and in ED’s official docket on Regulations.gov.

Non-Regulatory Guidance

Additionally, agencies like the ED issue non-regulatory guidance, which describes the agency’s current thinking on an implementation issue related to federal law. Guidance is NOT legally binding on the public or the agency itself, but is often used by states and districts to guide decision-making (both programmatic and funding) for the programs supported by the federal law.
For nearly fifteen years, public education faced the unintended consequences of No Child Left Behind (NCLB), which frequently narrowed curricula, and limited critical engagement in subjects like music and arts. Under ESSA, we find the exact opposite; focusing on what makes a student whole, and nurturing the skills that are necessary for success within the 21st century.

SSAE and Title IV embodies these values, and is the epitome of this new era for public education:

“While strong literacy and math skills are essential for success in college, careers, and life, designing an education system that solely focuses on the demonstration of proficiency in these areas will never be sufficient for developing well-rounded and engaged students. A well-rounded education allows students to develop skills and knowledge in a wide range of subjects, becoming expert and passionate about a few, and confident in their quest for more.....

This reauthorization of ESEA provides an opportunity to get the balance right in places where the focus has become too narrow—and to do so in ways that and ensure access and equity for all students.”

-U.S. Department of Education – Non-Regulatory Guidance, Student Support and Academic Enrichment Grants (PG. 38)

‘Supplement, Not Supplant’

‘Supplement, Not Supplant’ is a term that may be most familiar to those who have dealt with Title I dollars in the past. In general, the term indicates that federal funds must be used to SUPPLEMENT, and NOT take the place of non-Federal, state, or funds that would have otherwise been used for the same purpose.

Stated in the guidance, supplement, not supplant is required for SSAE (14):

Section 4110 requires that SSAE program funds be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under the SSAE program. This means that an SEA or LEA may not use SSAE program funds to carry out activities that would otherwise be paid for with State or local funds.

In determining whether a particular use of funds would violate the non-supplanting requirement, SEAs and LEAs should consider matters such as whether the cost involved is currently paid for using State or local funds or whether the cost involved is for an activity that is required by State or local law. In no event may an SEA or LEA decrease the amount of State or local funds used to pay the cost of an activity simply because of the availability of the SSAE program funds. There is a presumption of supplanting if Federal funds are used for State-required costs or costs previously covered with non-Federal funds. The presumption may be overcome if the SEA or LEA is able to demonstrate through written documentation (e.g., State or local legislative action, budget information, or other materials) that it does not have the funds necessary to implement the activity and that the activity would not be carried out in the absence of the SSAE program funds.
Allowable Activities and Uses of Funds

Allowable program activities under SSAE are divided into three content areas, which include (6):

1) **Providing students access to a well-rounded education (e.g. music and arts),**
2) Supporting safe and healthy students (e.g. comprehensive school mental health, drug and violence prevention, training on trauma-informed practices, health and physical education)
3) Supporting the effective use of technology (professional development, blended learning, devices).

Allowable use of funds under these three content areas may include, but are not limited to (5):

- Direct services for students;
- Professional development for teachers and administrators;
- Salaries of personnel to carry out identified programs and services;
- Supplemental education resources and equipment.

Leveraging Other Funding Resources

Under ED’s non-regulatory guidance, it indicates that “SSAE funds may not be sufficient to independently fund many of these innovative activities” (5). Although these funds may not be used to replace state and local funds (see supplement, not supplant), the guidance encourages leveraging other federal, state, and local resources in combination with the SSAE grant to achieve the goals of SSAE programs activities.

Are there any other federal ESSA, state, or local funding pools that can be used in conjunction with SSAE to support your music program? The ED’s guidance for SSAE provides several examples (7):

- “For example, Title IV, Part B funding for ‘21st Century Community Learning Centers’ also provide opportunities for academic enrichment through an array of programs and activities such as nutrition and health education, drug and violence prevention, and arts education.”

- “The SSAE grant can also be used in conjunction with other titles within ESEA to support specific interventions, activities, or services. For example, Title I, Part A (Title I) of the ESEA may be used to promote supportive school climates to reduce the use of exclusionary discipline practices in a Title I schoolwide program.”

Local Application Requirements for SSAE

School districts are required to submit an application to the State Department of Education to receive their SSAE program allocation. During the design and development of its application, a district must engage in consultation with stakeholders in the area served by the district (11).

This is where YOU can get involved with the process.

Recommended stakeholders indicated in guidance include, but are not limited to:

- Parents**
- Teachers**
- Principals
- Students**
• School leaders
• Charter school teachers, principals, and other school leaders
• Specialized instructional support personnel**
• Indian tribes or tribal organizations
• Local government representatives
• Others with relevant and demonstrated expertise
• Community-based organizations**

Consortiums

The non-regulatory guidance encourages school districts to consider applying for funds with other districts under a consortium, in order to implement programs across multiple districts.

As a consortium, school districts would submit their funding application together and would be upheld to the same requirements as if a district were to apply on its own. This may be beneficial to music programs serving smaller populations or in more rural districts, allowing them to pool their allocations together between districts, serve more students at a lower cost, and reduce administrative overhead (8).

Distribution of Funds and Set-Aside Percentages

Funding Formula

Although the grant is not limited to Title I schools or Title I school districts, the SSAE utilizes the same formula-to-formula funding methodology as Title I (Title I, Part A, Subpart 2). Each state will receive an allocation based on the Title I funding formula. Using the same Title I formula, the states will then allocate funds to each and every school district.

• Consortiums – Funding for consortiums is the sum of allocations between all of its member school districts. Allocations for consortium members are also determined by the Title I-A funding formula.

Specified Percentages

Any school district that receives a SSAE allocation above $30,000 MUST conduct a needs assessment and then must expend 20 percent of its grant on safe and healthy school activities and 20 percent on activities to provide well-rounded education programs. The remaining 60% of the money can be spent on all three priorities, including technology. However, there is a 15% cap on devices, equipment, software and digital content (11).

• If districts choose to form and submit an application as a consortium, set-aside percentages under consortiums apply to the consortium as a whole, opposed to each individual district (15).
• The set-aside amounts DO NOT apply to the schools to which the district distributes funds to. The percentages only reflect the district level (15).

If a district receives an allocation below $30,000, the law DOES NOT require a needs assessment or meet specified percentages for well-rounded and safe and healthy students programs. Under these circumstances, districts must spend money on activities in at least one of the three categories. The 15 percent technology purchase cap would continue to apply (11).
**Investment Prioritization**

Like many of the programs in ESSA, SSAE provides states, school districts, and schools with the flexibility to tailor their investments based on the needs of their unique student populations.

In their applications, school districts and consortiums, must prioritize their distribution of funds to schools based on one or several of these determining factors (5):

- **Schools with the greatest needs** (as determined by the district).
  - Depending how a district creates its needs assessment, music educators could make a case for music as a determining factor under greatest needs.
- Schools with the highest number of students from low-income families (as identified under Title I, Part A).
- Schools implementing targeted support and improvement plans from under Title I, Part A.
- Schools identified as a persistently dangerous public school, under the guidelines listed of section 8532 of ESEA.

As indicated by the non-regulatory guidance, a school district **MAY** use a single activity to address multiple content areas of SSAE (13). **As your district creates its funding application for SSAE, think about how an expenditure for your music program may also benefit or connect to the other two content areas like ‘safe and healthy students,’ or ‘effective uses of technology.’**

**Evidence-Based Components**

Within the guidance, the Department encourages that once needs have been identified, stakeholders should select and invest in relevant ‘evidence-based’ activities, or effective educational strategies that are supported research (16). Although suggested, evidence-based activities are **NOT** a requirement for the Well-Rounded Education component of SSAE. **As stated in Section 4107 of ESSA, the Well-Rounded content area is strictly associated with supporting access to these programs, and funds may be used to “support the access to and success in well-rounded educational experiences,” like music and arts (19).**

**Needs Assessment**

‘Needs assessments’ will be used by a school district that is receiving above $30,000 in SSAE allocations to determine and identify where access may be lacking for their students, such as in music education, in all three areas funded under the law.

Once deficiencies have been identified, school districts must create a plan to address those needs, which become a part of their funding application (see Local Application Requirements) to the state department of education. After receiving the funds and implementing the plan, districts must conduct a comprehensive needs assessment **at least once every three years**, to reevaluate the outcomes and repeat the process.

What makes this so interesting is that **YOU** can be involved with your district during the process of creating a needs assessment and evaluating programs. This is where **YOU can make the difference** – getting involved and making certain the needs of your music programs are fully identified and incorporated as appropriate into your Title IV, Part A plan and funding application for the 17-18 school
year. For further information on how you can participate in the needs assessment process, see our webinar, “OTLs, Title IV, & You.”

**Implementation**

Although ESSA passed back in December 2015, implementation continues to be ongoing for the law’s full integration the 2017-2018 school year. SSAE grant dollars will first reach districts in the 2017-2018 school year.

- **Spring-Fall, 2016:** States begin gathering feedback from stakeholders. Many states hold meetings to hear from the public.

- **2016-2017 School Year:** States and districts begin needs assessments required under ESSA. States create and submit their ESSA plans for federal approval.

- **Summer, 2017:** Districts finalize needs assessments and write plan for Title IV-A, including funding requests.

- **2017-2018 School Year:** States approve district plans for ESSA and begin funding Titles I, II and IV-A including Section 4701—A Well-Rounded Education.
Appropriations for FY 2017

Current State of Play – U.S. House & Senate FY 2017 Allocations

Despite being authorized at $1.65 billion in FY17, the Title IV block grant has seen significant underfunding potential in Congress’ latest appropriations bills. Both proposed funding bills fall significantly short of the authorized level.

Current LHHS-Ed Appropriations Bills in Congress
- The Senate - $300 million
- The House of Representatives - $1.0 billion

Head to NAfME’s Grassroots Action Center (bit.ly/NAfMEgrassroots) and use our advocacy tool to send a letter to your member of Congress, asking them to support music education and fully fund SSAE.

Consequences of Underfunding

1. If Congress funds SSAE below the authorized level, our nation’s school districts would be forced to make difficult and unconscionable trade-offs between high-quality programs and fail to create a “well-rounded” course of study.
2. Significantly underfunding the program directly undermines the greater flexibility that Congress had intended for the states and districts to have under ESSA.
3. The Title IV, Part A block grant was created as a result of consolidating over 20 existing competitive grant programs established by “No Child Left Behind” (NCLB). Underfunding the block grant means that districts might have to compete for dollars
   a. Often the districts who are in most need are those that are smaller and more rural, which lack the capacity (no arts administrator or grant writer) to apply for those competitive grants. By sufficiently, funding Title IV, SSAE eliminates any need for competitive targeting and increases local control over educational investments, such as supporting music and arts.

$10,000 Minimum Statutory Requirement

Federal statute in ESSA (Title IV, Sec. 4105) indicates that no allocation made to a school district under Title IV, Part A may be less than $10,000. If SSAE is underfunded by Congress in appropriations discussions, certain districts would see severe reductions in their Title IV allocations due to other districts being prorated to meet the minimum $10,000 award threshold. This is confirmed and reiterated by ED’s non-regulatory guidance, on page 10.

No matter how schools make this decision, critical program areas will face limited investments – or none at all – shortchanging our students, educators, and communities in significant ways.
Further Reading

Below are other recommended resources from NAfME and our partners. These resources contain many examples for music educators, administrators, and other advocates, which may be helpful when implementing Title IV, Part A.

**NAfME’s Everything ESSA** – A one stop shop for any resources related to the Every Student Succeeds Act

**NAfME’s Opportunity to Learn (OTL) Standards** – Prepared by the Council of Music Program Leaders of NAfme, these standards identify the resources that need to be in-place so that teachers, schools, and school districts can give students a meaningful change to succeed in music education, as spelled in the Core Music Standards. The OTLs may be a great way to start your needs assessment process with your administrators!

**NAfME Archived Webinar – OTLs, Title IV & You!** – A deeper dive on how the OTL standards relate to SSAE!

**NAfME - How Funding Works, Title IV** – A one pager crash course on the funding and appropriations associated to Title IV, Part A

**U.S. Department of Education, Non-Regulatory Guidance:** [Student Support and Academic Enrichment Grants](#)