

# **The Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA): A Primer**

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**Congressional Research Service**

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The primary source of federal aid for elementary and secondary education is the Elementary and Secondary Education Act (ESEA)—particularly its Title I-A program, which authorizes federal aid for the education of disadvantaged students. The ESEA was initially enacted in 1965 (P.L. 89-10), and was most recently comprehensively amended and reauthorized by the Every Student Succeeds Act (ESSA; P.L. 114-95).

Under Title I-A, the ESEA as amended by the ESSA continues to require states and public schools systems to focus on educational accountability as a condition for the receipt of grant funds. Public school systems and individual public schools are held accountable for monitoring and improving achievement outcomes for students and closing achievement gaps, sustaining a focus that was initiated by amendments to the ESEA made by the No Child Left Behind Act of 2001 (NCLB; P.L. 107-110) but modified under the ESSA. While states were given more latitude to develop their accountability systems under the ESSA provisions, as a condition of receiving Title I-A funds each state must continue to have content and academic achievement standards and aligned assessments in reading/language arts (RLA), mathematics, and science for specific grade levels. States must now have an accountability system that incorporates (1) long-term and interim performance goals for specified measures; (2) weighted indicators based, in part, on these goals; and (3) an annual system for meaningful differentiation that is used to identify schools that need additional support to improve student achievement.

Beyond Title I-A, other ESEA programs provide grants and contracts for a variety of educational purposes. ESEA programs and general provisions are included in eight titles, which collectively received appropriations of \$25.2 billion in FY2019. The ESEA's titles are as follows:

- Title I: Programs for disadvantaged students, student assessment, migratory students, and neglected and delinquent students.
- Title II: Programs for teachers, principals, and school leaders; literacy; and American history and civics education.
- Title III: Programs to support English language acquisition for English learners.
- Title IV: Programs to support a well-rounded education, safe and healthy students, and technology; after-school instruction and care; charter schools; magnet schools; family engagement in education; and various national activities.
- Title V: Programs to support rural education.
- Title VI: Programs for Indian education, Native Hawaiian education, and Alaska Native education.
- Title VII: Impact Aid programs.
- Title VIII: General provisions.

This report provides an overview of major provisions of the ESEA. It also includes a table showing annual appropriations for ESEA programs for FY2017 through FY2019, as well as a table showing the transition in authorized programs and related appropriations from FY2016, when NCLB provisions were still in effect, to FY2017, when ESSA provisions took effect. Finally, a table detailing authorizations of appropriations under current law is also included. The ESSA authorized appropriations for ESEA programs through FY2020.

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## Introduction

The primary source of federal aid to elementary and secondary education is the Elementary and Secondary Education Act (ESEA)—particularly its Title I-A program, which authorizes federal aid for the education of disadvantaged students. The ESEA was initially enacted in 1965 (P.L. 89-10) “to strengthen and improve educational quality and educational opportunities in the Nation’s elementary and secondary schools.” It was most recently comprehensively amended and reauthorized by the Every Student Succeeds Act (ESSA; P.L. 114-95), which was enacted “to ensure that every child achieves.” The ESSA authorized appropriations for ESEA programs through FY2020.<sup>1</sup> FY2019 appropriation for ESEA programs are \$25.2 billion.

Under Title I-A, the ESEA as amended by the ESSA continues to require states and public schools systems to focus on educational accountability as a condition for the receipt of grant funds. Public school systems and individual public schools are held accountable for monitoring and improving achievement outcomes for students and closing achievement gaps, sustaining a focus that was initiated by amendments to the ESEA made by the No Child Left Behind Act of 2001 (NCLB; P.L. 107-110) but modified under the ESSA. While states were given more latitude to develop their educational accountability systems under the ESSA provisions, as a condition for receiving Title I-A funds each state must continue to have content and academic achievement standards and aligned assessments in reading/language arts (RLA), mathematics, and science for specific grade levels. States must now have an accountability system that incorporates (1) long-term and interim performance goals for specified measures; (2) weighted indicators based, in part, on these goals; and (3) an annual system for meaningful differentiation that is used to identify schools that need additional support to improve student achievement.

Beyond Title I-A, other authorized ESEA programs provide, for example, grants to support: the education of migratory students; recruitment and professional development of teachers; language instruction for English learners (ELs); well-rounded education, safe and healthy students, and technology initiatives; after-school instruction and care programs; expansion of charter schools and other forms of public school choice; education services for Native American, Native Hawaiian, and Alaska Native students; Impact Aid to compensate local educational agencies (LEAs) for taxes forgone due to certain federal activities; and innovative educational approaches or instruction to meet particular student needs.

In order to receive funds under Title I-A and several other formula grant programs authorized by the ESEA, each state educational agency (SEA) must submit a state plan to the U.S. Department of Education (ED). These plans can be submitted for individual formula grant programs or, if permitted by the Secretary of Education (hereinafter referred to as the Secretary), the SEA may submit a consolidated state plan based on requirements established by the Secretary.<sup>2</sup> Following the enactment of the ESSA, all SEAs submitted consolidated state plans.<sup>3</sup> The Secretary has approved these plans for all 50 states, the District of Columbia, and Puerto Rico.

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<sup>1</sup> The General Education Provisions Act (GEPA) automatically extends the authorizations of appropriations for these programs for an additional fiscal year if Congress has not acted to extend or repeal the authorizations of appropriations by the regular session that ends prior to the start of FY2020 (20 U.S.C. 1126a).

<sup>2</sup> ESEA, Section 8302 provides the Secretary with the authority to allow states to submit consolidated state plans. The Secretary exercised this authority with respect to the submission of ESEA state plans following the enactment of the ESSA.

<sup>3</sup> On the consolidated state plan, SEAs were required to provide information related to how they would implement Title I-A, Title I-C, Title I-D, Title II-A, Title III-A, Title IV-A, Title IV-B, and Title V-B-2. In addition, they had to provide information on the Education for Homeless Children and Youth program authorized under the McKinney-Vento

This report provides a brief overview of major provisions of the ESEA.<sup>4</sup> It is organized by title and part of the act. Annual appropriations for ESEA programs are provided through the Departments of Labor, Health and Human Services, and Education, and Related Agencies (L-HHS-ED) Appropriations Act, and are shown in this report based on the most recent data available from the U.S. Department of Education, Budget Service for FY2017 through FY2019. **Table 2** provides ESEA appropriations for FY2016 and FY2017 to depict the transition from the ESEA as amended by the NCLB to the ESEA as amended by the ESSA. **Table 3** provides authorizations of appropriations included in the ESEA as amended by the ESSA. The **Appendix** provides a list of selected acronyms used in the report.

## **Title I: Improving the Academic Achievement of the Disadvantaged**

The introductory text for ESEA Title I includes the purpose of Title I and authorizations of appropriations for FY2017 through FY2020 for each part of the title. The purpose of Title I is “to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.” The introductory text prior to Title I-A also requires states to reserve funds provided under Title I-A for school improvement activities and allows them to reserve Title I-A funds for direct students services. As such, while these reservations of funds appear before Title I-A in the ESEA, they are examined following the Title I-A discussion to provide greater context. The introductory text prior to Title I-A also provides authority for states to reserve funds for state administration for Title I-A, Title I-C, and Title I-D.

### **Administration (Section 1004)**

Section 1004 permits states to reserve funds under Title I-A, Title I-C, and Title I-D for administration. Under this provision, a state may reserve 1% of the amount received under parts A, C, and D, or \$400,000 (whichever is greater) for state administration.<sup>5</sup>

### **Part A: Grants to Local Educational Agencies<sup>6</sup>**

Title I-A authorizes federal aid to LEAs for the education of disadvantaged children. Title I-A grants provide supplementary educational and related services to low-achieving and other students attending elementary and secondary schools with relatively high concentrations of students from low-income families, as well as eligible students who live in the areas served by these public schools but attend private schools.<sup>7</sup> Title I-A is also a vehicle to which a number of requirements affecting broad aspects of public elementary and secondary education for all students have been attached as conditions for receiving these grants.

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Homeless Assistance Act. For more information about the consolidated state plans, see <https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/essa-consolidated-state-plans/>.

<sup>4</sup> Other CRS reports provide much more detailed discussions and analyses of major ESEA provisions.

<sup>5</sup> If the appropriations for Title I-A, Title I-C, and Title I-D are equal to or greater than \$14 million, then the reservation for state administration shall not exceed 1% of the amount the state would receive if \$14 million were allocated among the states for Title I-A, Title I-C, and Title I-D.

<sup>6</sup> The actual title of this part is Improving Basic Programs Operated by Local Educational Agencies, but it is generally referred to as Grants to LEAs.

<sup>7</sup> Although Title I-A funds are used to serve eligible private school students, funds remain under the control of public school authorities (i.e., they are not transferred to private schools).

## Calculation of Title I-A Grants

Title I-A grants are calculated by ED at the LEA level. The funds are then provided to SEAs, which are required to reserve funds for school improvement activities and may reserve funds for administration and direct student services. SEAs also adjust grant amounts for LEAs for which ED is unable to determine grant amounts, such as newly created LEAs or charter schools that are their own LEAs. In calculating Title I-A grant amounts, ED determines grant amounts under four different formulas—Basic, Concentration, Targeted, and Education Finance Incentive Grants (EFIG)—although funds allocated under all of these formulas are combined and used for the same purposes by recipient LEAs. While the allocation formulas have several distinctive elements, the primary factor used in all four is the estimated number of children aged 5-17 in families in poverty.<sup>8</sup> Other factors included in one or more formulas include a state expenditure factor based on average per pupil expenditures for public elementary and secondary education, weighting schemes designed to increase aid to LEAs with the highest concentrations of poverty, and a factor to increase grants to states with high levels of expenditure equity among their LEAs. Each formula also has an LEA hold harmless provision and a state minimum grant provision.<sup>9</sup>

While there are several rules related to school selection, LEAs must generally rank their public schools by their percentages of students from low-income families, and serve them in rank order. This must be done without regard to grade span for any eligible school attendance area<sup>10</sup> in which the concentration of children from low-income families exceeds 75%. An LEA also has the option of serving all high schools in rank order in which the concentration of children from low-income families is 50% or greater. Below these benchmarks, an LEA can choose to serve schools in rank order at specific grade levels (e.g., only serve elementary schools in order of their percentages of children from low-income families) or continue to serve schools at all grade levels in rank order. Once schools are selected, Title I-A funds are allocated among them on the basis of their number of students from low-income families. LEAs are not required to allocate the same amount of Title I-A funds per low-income child to each school. They may provide higher grants per low-income child at schools with high rates of these children than are allocated per low-income child to schools with lower rates of these children.

## Types of Title I-A Programs

There are two basic types of Title I-A programs. Schoolwide programs<sup>11</sup> are authorized if the percentage of low-income students served by a school is 40% or higher.<sup>12</sup> In schoolwide programs, Title I-A funds may be used to improve the performance of all students in a school. For example, funds might be used to provide professional development services to all of a school's teachers, upgrade instructional technology, or implement new curricula. The other basic type of Title I-A school service model is the targeted assistance program (TAP).<sup>13</sup> Under TAPs, Title I-A-

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<sup>8</sup> These data are produced at the LEA level by the Small Area Income and Poverty Estimates (SAIPE) program administered by the U.S. Census Bureau. For more information on how the U.S. Census Bureau measures poverty, see <https://www.census.gov/topics/income-poverty/poverty/guidance/poverty-measures.html>.

<sup>9</sup> For more information about the Title I-A formulas, see CRS Report R44461, *Allocation of Funds Under Title I-A of the Elementary and Secondary Education Act*.

<sup>10</sup> A "school attendance area" means the geographic area in which the children who are normally served by that school reside. An "eligible school attendance area" means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of low-income families served by the LEA as a whole.

<sup>11</sup> Schoolwide programs are authorized in Section 1114.

<sup>12</sup> A Title I-A school in which less than 40% of the children are from low-income families may request a waiver from the SEA to operate a schoolwide program.

<sup>13</sup> Targeted assistance programs are authorized in Section 1115.



funded services are generally limited to the lowest-achieving students in the school. For example, students may receive additional instruction in an after-school program, or funds may be used to hire a teacher's aide who provides additional assistance to low-achieving students in their regular classroom. In general, schools have substantial latitude in how they use Title I-A funds, provided the funds are used to improve student academic achievement.

## **Standards, Assessments, and Accountability Requirements (Section 1111)**

As previously mentioned, each SEA must submit a state plan to ED to receive funds under Title I-A and several other state formula grant programs authorized under the ESEA. For Title I-A purposes, the plan requires the SEA to provide information or assurances related to its standards, assessments, and accountability system. Requirements related to each of these areas are discussed below.

### ***Standards***

In its state plan, each SEA receiving Title I-A funds is required to provide an assurance that it has adopted challenging academic content standards and aligned academic achievement standards (hereinafter collectively referred to as academic standards) in RLA, mathematics, and science (and any other subject selected by the state). The academic standards must include at least three levels of achievement (e.g., basic, proficient, and advanced). In addition, states are required to demonstrate that these academic standards are aligned with entrance requirements for credit-bearing coursework in the state's system of public higher education and relevant state career and technical education standards.

A state is permitted to adopt alternate academic achievement standards for students with the most significant cognitive disabilities provided, among other requirements, that the standards are aligned with the state's challenging academic content standards. The state is also required to demonstrate that it has adopted English language proficiency standards that are derived from the domains of speaking, listening, reading, and writing; address the different proficiency levels of English learners; and align the English language proficiency standards with the challenging state academic standards.

The ESEA explicitly maintains that a state is not required to submit any of the aforementioned standards to the Secretary of Education (the Secretary) for review or approval. Also, the Secretary does not have the authority "to mandate, direct, control, coerce, or exercise any direction or supervision over any of the challenging State academic standards adopted or implemented by a State."<sup>14</sup>

### ***Assessments***

Each state plan must demonstrate that the SEA, in consultation with LEAs, has implemented assessments in RLA, mathematics, and science. The mathematics and RLA assessments must be administered in each of grades 3-8 and once during high school. The science assessment must be administered once in grades 3-5, grades 6-9, and grades 10-12. Thus, each state must administer 17 assessments each school year, but no individual student will take more than 3 of these assessments in a given school year. The assessments must be aligned with the state academic standards.

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<sup>14</sup> Section 1111(b)(1)(G)(ii).



A state may implement alternate assessments aligned with state academic standards and alternate academic achievement standards for students with the most significant cognitive disabilities. However, for each subject tested no more than 1% of all students tested may take the alternate assessment. Each state plan must also demonstrate that the LEAs in the state will administer an annual assessment of English proficiency for all English learners that is aligned with the state's English language proficiency standards.

In addition to state assessments, each state receiving Title I-A funds must also agree to participate in the National Assessment of Educational Progress (NAEP) assessments of 4<sup>th</sup> and 8<sup>th</sup> grade students in reading and math every two years.<sup>15</sup>

### ***Accountability System***

In its state plan, each SEA is required to describe its academic accountability system. The system must include state established long-term goals (and measures of interim progress) for all students and separately for each focal subgroup of students<sup>16</sup> for academic achievement as measured by proficiency on the state RLA and mathematics assessments<sup>17</sup> and high school graduation rates. In addition, the goals for subgroups of students who are behind on any of these measures must take into account the improvement needed to close statewide achievement gaps. Also, the system must include long-term goals (and measures of interim progress) for increases in the percentage of English learners making progress in achieving English proficiency, as defined by the state.

The state must then use a set of indicators that are based, in part, on the long-term goals it established to measure annually the performance of all students and each subgroup of students to evaluate public schools. These indicators must include the following:

1. public school student performance on the RLA and mathematics assessments as measured by student proficiency, and for high schools this may also include a measure of student growth on such assessments;
2. for public elementary and secondary schools that are not high schools, a measure of student growth or another indicator that allows for “meaningful differentiation” in school performance;
3. for public high schools, graduation rates;
4. for all public schools in the state, progress in achieving English language proficiency<sup>18</sup>; and
5. for all public schools in the state, at least one indicator of school quality or student success (e.g., a measure of student engagement, postsecondary readiness, or school climate).

Based on these indicators, the SEA must establish a system for annually “meaningfully differentiating” all public schools that gives substantial weight to each indicator but in the aggregate provides greater weight to the first four than to the school quality and student success

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<sup>15</sup> There are also 12<sup>th</sup> grade NAEP assessments for reading and mathematics. However, a state does not have to participate in these assessment as a condition of receiving Title I-A funds.

<sup>16</sup> For accountability purposes, the ESEA requires separate accountability determinations to be made for four subgroups—economically disadvantaged students, students from major racial/ethnic groups, children with disabilities, and English learners—provided the number of students in each subgroup meets the state's minimum group size for inclusion in accountability determinations (Section 1111(c)(2) and Section 111(c)(4)(A)).

<sup>17</sup> Student proficiency on science assessments is not included in a state's accountability system for Title I-A purposes.

<sup>18</sup> Only the English learners subgroup needs to be measured annually on this indicator (Section 1111(c)(4)(B)(iv)).

indicators.<sup>19</sup> The system must also identify any school in which any subgroup of students is “consistently underperforming,” as determined by the state.<sup>20</sup>

Based on the state’s system for annual meaningful differentiation, each SEA must establish a state-determined methodology to identify for comprehensive support and improvement (CSI): (1) at least the lowest-performing 5% of all schools receiving Title I-A funds, (2) all public high schools failing to graduate 67% or more of their students, (3) schools required to implement additional targeted support (see below) that have not improved in a state-determined number of years, and (4) additional statewide categories of schools, at the state’s discretion. The LEAs in which schools are identified for CSI are required to work with stakeholders to develop a school improvement plan that, among other requirements, must include evidence-based interventions,<sup>21</sup> be based on a school-level needs assessment, and identify resource inequities. An LEA may also offer students enrolled in a school identified for CSI the option to transfer to another public school in the LEA. If a school does not improve within a state-determined number of years (no more than four years), the school must be subject to more rigorous state-determined actions.

States are required to identify for targeted support and improvement (TSI) any school in which one or more subgroups of students are consistently underperforming as determined by the state. Each of these schools is required to develop and implement a plan to improve student outcomes that includes evidence-based interventions. If a school fails to improve within a number of years determined by the LEA, additional actions must be taken. For a school in which one or more subgroups are performing at a level that if reflective of an entire school’s performance would result in its identification for CSI, the school must be identified for additional targeted support and improvement (ATSI) activities, which must include an identification of resource inequities. If a school identified as meeting the criteria for ATSI does not improve within a state-determined number of years, the state is required to identify the school for CSI.

In its state plan, the SEA must also provide an explanation of how the state will factor into its accountability system the requirement that 95% of all students and each subgroup of students participate in the required assessments.

## **Teacher Requirements**

Any teacher or paraprofessional working in a program supported with Title I-A funds must meet applicable state certification and licensure requirements. In addition, states participating in Title I-A must describe in their state plans how low-income and minority children enrolled in Title I-A schools are not served at disproportionate rates by “ineffective, out-of-field, or inexperienced teachers.” The state must also describe the measures that will be used to assess and evaluate the state’s success in this area.

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<sup>19</sup> Section 1111(c)(4)(C)(i) and (ii).

<sup>20</sup> Section 1111(c)(4)(C)(iii).

<sup>21</sup> Section 8101(21) includes a definition for “evidence-based.” With respect to an activity, strategy, or intervention, the definition establishes three tiers of evidence that demonstrate a statistically significant effect on improving student outcomes or other relevant outcomes: (1) strong, (2) moderate, and (3) promising. The definition also includes an activity, strategy, or intervention that demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes.

## School Improvement (Section 1003)

To serve schools that are identified for comprehensive support and improvement or targeted support and improvement under Title I-A,<sup>22</sup> SEAs are required to reserve the greater of (1) 7% of the total amount the state receives under Title I-A or (2) the sum of the amount that the state reserved for school improvement in FY2016 and received under the School Improvement Grant (SIG) program for FY2016.<sup>23</sup> Beginning in FY2018, an SEA is only permitted to reserve the full amount of funds for school improvement if no LEA receives a smaller Title I-A grant than it did during the prior fiscal year due to the implementation of this provision.<sup>24</sup> Of the funds reserved for school improvement, states are required under ESSA provisions to provide at least 95% to LEAs through formula or competitive grants to serve schools that are implementing comprehensive support and improvement activities or targeted support and improvement activities.<sup>25</sup>

## Direct Student Services (Section 1003A)

In addition to the required reservation of Title I-A funds for school improvement, SEAs have the option of reserving up to 3% of the Title I-A funds they receive for direct student services. This optional reservation of funds was not included in the law prior to the ESSA. Of the funds reserved, states must distribute 99% to geographically diverse LEAs using a competitive grant process that prioritizes grants to LEAs that serve the highest percentages of schools identified for comprehensive support and improvement or that are implementing targeted support and improvement plans.<sup>26</sup> Funds for direct student services may be reserved without regard to how the reservation of funds may affect LEA grant amounts. Funds may be used by LEAs for a variety of purposes, including to pay the costs associated with the enrollment and participation of students in academic courses not otherwise available at the students' school; credit recovery and academic acceleration courses that lead to a regular high school diploma; activities that lead to the successful completion of postsecondary level instruction and examinations that are accepted for credit at institutions of higher education (IHEs), including reimbursing low-income students for the costs of these examinations;<sup>27</sup> and public school choice if an LEA does not reserve funds for this purpose under Section 1111.

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<sup>22</sup> See the subsequent discussion of Title I-A for more information about comprehensive support and improvement and targeted support and improvement.

<sup>23</sup> The SIG program was not reauthorized by the ESSA.

<sup>24</sup> For FY2017, SEAs were able to reserve the full amount for school improvement regardless of whether it resulted in reduced LEA grant amounts. This could have resulted in lower FY2017 Title I-A grant amounts to LEAs, making it easier for states to reserve the full amount for school improvement in subsequent years without violating the requirement that no LEA receive less than it did in a prior year as a result of the reservation of funds for school improvement. As of September 2019, CRS is not aware of any publicly available data that detail whether states' FY2017 reservation of funds for school improvement resulted in lower grants to LEAs.

<sup>25</sup> For more information about comprehensive and targeted support and improvement activities, see the subsequent discussion about Title I-A or CRS in Focus IF10556, *Elementary and Secondary Education Act: Overview of Title I-A Academic Accountability Provisions*.

<sup>26</sup> *Ibid.*

<sup>27</sup> These could include, for example, Advance Placement (AP) or International Baccalaureate (IB) examinations.

## **Part B: Grants for State Assessment and Enhanced Assessment Instruments**

Title I-B authorizes the State Assessment Grant program to support the development of the state standards and assessments required under Title I-A; the administration of those assessments; and related activities, such as improving assessments for English learners. Two funding mechanisms are authorized: (1) formula grants to states for the development and administration of the state standards and assessments required under Title I-A, and (2) competitive grants to states to carry out related activities beyond the minimum assessment requirements. The allocation of funds depends on a statutorily established “trigger amount” of \$369.1 million.<sup>28</sup> For annual appropriations at or below the trigger amount, the entire appropriation is used to award formula grants to states. Under the formula grant program, the Secretary then provides each state with a minimum grant of \$3 million. Any remaining funds are subsequently allocated to states in proportion to their number of students ages 5 to 17. For an annual appropriation above the trigger amount, the difference between the appropriation and trigger amount is used to award competitive grants to states.

### **Assessment System Audit (Section 1202)**

The ESEA as amended by the ESSA permits the Secretary to reserve up to 20% of the funds appropriated for the State Assessment Grant program to make grants to states to conduct assessment system audits.<sup>29</sup> From the funds reserved for this purpose, the Secretary is required to make an annual grant to the state of not less than \$1.5 million to conduct a statewide assessment system audit and provide subgrants to LEAs to conduct assessment audits at the LEA level.<sup>30</sup>

### **Innovative Assessment and Accountability Demonstration Authority (Section 1204)**

The ESEA as amended by the ESSA includes a new demonstration authority for the development and use of an “innovative assessment system.” A state, or a consortium of states, may apply for the demonstration authority to develop an innovative assessment system that “may include competency-based assessments, instructionally embedded assessments, interim assessments, cumulative year-end assessments, or performance based assessments that combine into an annual summative determination for each student” and “assessments that validate when students are ready to demonstrate mastery or proficiency and allow for differentiated student support based on individual learning needs.”<sup>31</sup> During the first three years in which the Secretary grants demonstration authority, not more than seven SEAs may have their applications for the authority approved.<sup>32</sup> Separate funding is not provided under the demonstration authority; however, states may use a portion of the formula and competitive grant funding provided through the State Assessment Grant program discussed above to carry out this demonstration authority.

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<sup>28</sup> Section 1111(b)(2)(I) and Section 1203(a) and (b).

<sup>29</sup> This reservation of funds is determined after the Secretary reserves 0.5% of the total appropriation for the Bureau of Indian Education and 0.5% of the total appropriation for the Outlying Areas.

<sup>30</sup> If a state chooses not to apply for a grant, the Secretary reallocates grant funds to other states in accordance with the formula in Section 1203(a)(4)(B).

<sup>31</sup> Section 1204(a).

<sup>32</sup> This includes any SEAs participating in consortia. Up to four SEAs are permitted to work together in a consortium.

## **Part C: Education of Migratory Children**

Title I-C authorizes grants to SEAs for the education of migratory children and youth. A migratory child or youth is one who made a qualifying move<sup>33</sup> in the preceding 36 months as a migratory agricultural worker or migratory fisher or moved with or to join a parent or spouse who is a migratory agricultural worker or migratory fisher. Among other purposes, the program assists states in supporting high-quality, comprehensive educational programs and services during the school year, summer, and intersession periods that address the unique needs of migratory children. Funds are allocated by formula on the basis of each state's number of migratory children and youth aged 3-21 and Title I-A state expenditure factor (discussed above). ED may also make grants for the coordination of services and transfer of educational records for migratory students.

## **Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk**

Title I-D authorizes a pair of programs intended to improve education for students who are neglected, delinquent, or at risk of dropping out of school. Subpart 1 authorizes grants for the education of children and youth in state institutions for the neglected or delinquent, including community day programs and adult correctional institutions. Funds are allocated to SEAs on the basis of the number of such children and youth and the Title I-A state expenditure factor. A portion of each SEA's grant is to be used to provide transition services to children and youth transferring to regular public schools.

Under Subpart 2, Title I-A funds are provided to each SEA based on the number of children and youth residing in local correctional facilities or attending community day programs for delinquent children and youth. These Title I-A funds are used to make grants to LEAs with high numbers or percentages of children and youth in locally operated correctional facilities for children and youth. These children and youth are then served in accordance with Title I-D provisions. Funds are used, for example, to provide transition programs, dropout prevention programs, special programs to meet the unique academic needs of participating children and youth, and mentoring and peer mediation.

## **Part E: Flexibility for Equitable Per-Pupil Funding**

ESEA Title I-E provides the Secretary with the authority to enter into demonstration agreements that provide flexibility to LEAs to deliver equitable per-pupil funding. The weighted per-pupil funding system must allocate substantially more funding to students from low-income families, English learners, and students with other characteristics associated with educational disadvantage selected by the LEA than is allocated to other students. Prior to the 2019-2020 school year, up to 50 LEAs were permitted to apply for the flexibility to consolidate eligible federal funds<sup>34</sup> and state and local funds to create a single school funding system based on weighted per-pupil allocations (using weights or allocations to provide funding to schools). Beginning with the 2019-2020 school year, the number of LEAs permitted to participate under Title I-E is not capped provided a "substantial majority" of the LEAs participating in previous years have met program requirements.

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<sup>33</sup> A qualifying move generally means a move due to economic necessity from one residence to another and from one school district to another (Section 1309(5)).

<sup>34</sup> Eligible federal funds include those under Title I-A, Title I-C, Title I-D-2, Title II-A, Title II-B, Title III, Title IV-A, and Title V-B.

## **Part F: General Provisions**

Title I-F provides for the development of federal regulations for Title I programs and state administration of these programs. Part F also prohibits federal control of the “specific instructional content, academic achievement standards and assessments, curriculum or program of instruction”<sup>35</sup> of states, LEAs, or schools, and clarifies that nothing in Title I is to be “construed to mandate equalized spending per pupil for a State, local educational agency, or school.”<sup>36</sup>

## **Title II: Preparing, Training, and Recruiting High-Quality Teachers, Principals, and Other School Leaders**

Title II includes programs centered on teachers, school leaders (e.g., principals), literacy, and American history and civics education. Programs focused on teachers and school leaders support activities and initiatives such as professional development, staff recruitment and retention, performance-based compensation systems, and the establishment of a statewide science, technology, engineering, and mathematics (STEM) master teacher corps. Other Title II programs focus on literacy education, providing grants to support literacy efforts from birth through grade 12 and supporting school library programs, early literacy services, and the provision of high-quality books to children and adolescents. Title II also includes American history and civic education programs that provide academies for teachers and students to learn more about these topics and authorizes national activities related to American history and civics education. Title II’s introductory text includes the purpose of the title, several definitions, and authorizations of appropriations for FY2017 through FY2020 for the programs authorized in Title II.<sup>37</sup>

## **Part A: Supporting Effective Instruction**

Part A authorizes a program of state grants that may be used for a variety of purposes related to preparation, training, recruitment, retention, and professional development of elementary and secondary education teachers and school leaders. The formula grants are allocated to SEAs based on student population and poverty counts, as well as a base guarantee determined by the amount each state received in FY2001 under antecedent programs. The base guarantee is being phased out through FY2022. SEAs may reserve a share of funds for administration and statewide services, such as teacher or principal support programs; preparation academies;<sup>38</sup> licensing or certification reform; improving equitable access to effective teachers; reforming or improving

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<sup>35</sup> Section 1604.

<sup>36</sup> Section 1605.

<sup>37</sup> Section 2003.

<sup>38</sup> SEAs are permitted to use a limited amount of their funds to establish or expand teacher, principal, or other school leader preparation academies that meet certain requirements, such as ensuring that enrolled students receive a “significant part of their training through clinical preparation that partners the prospective candidate with an effective teacher, principal, or other school leader, as determined by the state”; ensuring that the academy will award a certificate of completion (or degree) to a teacher only after the teacher has demonstrated that he or she is an effective teacher, as determined by the state; and limiting admission to the academy to prospective candidates who demonstrate “strong potential to improve student achievement” (Section 2002(4)).



teacher and principal preparation programs; training teachers in the use of student data; and technical assistance to LEAs.

SEAs are required to suballocate at least 95% of grants to LEAs. Grants to LEAs are made based on student population and poverty counts. However, states are authorized to reserve up to 3% of the amount otherwise reserved for subgrants for LEAs for state-level activities focused on school leaders.<sup>39</sup> Funds received by LEAs may be used for a variety of purposes including recruiting, hiring, and retaining effective teachers; teacher and school leader evaluation and support systems; professional development activities for teachers and principals; and class-size reduction.

## **Part B: National Activities**

Subpart 1 authorizes the Teacher and School Leader Incentive Fund. This program provides competitive grants to LEAs, SEAs or other state agencies, the Bureau of Indian Education, or a partnership of one of these entities with one or more nonprofit or for-profit entities to develop, implement, improve, or expand performance-based teacher and principal compensation systems or human capital management systems for teachers, principals, and other school leaders in high-needs schools.

Subpart 2 authorizes Literacy Education for All, Results for the Nation to improve student academic achievement in reading and writing from early education through grade 12. Under Subpart 2, competitive Comprehensive Literacy State Development Grants (Section 2222) are provided to SEAs. SEAs subsequently provide competitive subgrants to one or more eligible LEAs for the development and implementation of a comprehensive literacy instruction plan, professional development, and other activities. SEAs may also award competitive subgrants for early literacy services to one or more eligible early childhood education programs. In addition, SEAs may use funds to develop or enhance comprehensive literacy instruction plans. SEAs must ensure that at least 15% of funds are used to serve children from birth through age 5, 40% to serve children in kindergarten to grade 5, and 40% to serve children in grades 6 through 12. Funds reserved under Section 2222 for evaluation purposes must be used to conduct a national evaluation of the grant and subgrant programs authorized under Subpart 2 (Section 2225). Under the Innovative Approaches to Literacy program (Section 2226), the Secretary may award grants, contracts, or cooperative agreements to eligible entities to promote literacy programs that support the development of literacy skills in low-income communities through school library programs, early literacy services, and programs to provide high-quality books regularly to children from low-income communities.

Subpart 3 authorizes American History and Civics Education programs. Section 2232 authorizes the Presidential and Congressional Academies for American History and Civics. Presidential Academies offer professional development opportunities for teachers of American history and civics. Congressional Academies provide a seminar or institute for outstanding students of American history and civics. Section 2233 authorizes national activities that provide competitive grants to promote new and existing evidence-based strategies to encourage innovative American history, civics and government, and geography instruction and learning strategies, and professional development for teachers and school leaders.

Subpart 4 authorizes several programs related to educators, school leaders, technical assistance, and evaluation. Section 2242 authorizes the Supporting Effective Educator Development (SEED) program, which provides competitive grants to support nontraditional teacher certification or preparation routes, evidence-based professional development, professional development to

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<sup>39</sup> Section 2101(c)(3).



support dual or concurrent enrollment, and professional enhancement activities that may lead to an advanced credential. Section 2243 authorizes the School Leader Recruitment and Support program, which provides competitive grants to improve the recruitment, placement, support, and retention of principals and other school leaders in high-need schools. Section 2244 authorizes a comprehensive center focused on students at risk of not attaining full literacy skills due to a disability. Funds may also be used to provide technical assistance or evaluate state and LEA activities under Title II-B. Section 2245 authorizes the STEM<sup>40</sup> Master Teacher Corps program, which provides competitive grants to support the development of a statewide STEM master teacher corps or to support the implementation, replication, or expansion of effective STEM professional development programs.

## **Part C: General Provisions**

Part C includes a supplement, not supplant provision that applies to funds provided under Title II. It also states that nothing in Title II authorizes the Secretary or any federal employee to mandate, direct, or control specific aspects of a state's, LEA's, or school's educational program, including, for example, instructional content, curricula, academic standards, academic assessments, staff evaluation systems, specific definitions of staff effectiveness, professional standards, licensing, or certification. Title II also states that none of the provisions in the title shall be construed to affect collective bargaining or other such agreements between school or district employees and their employers.

## **Title III: Language Instruction for English Learners and Immigrant Students**

Title III authorizes programs that are focused on improving the academic attainment of ELs, including immigrant students. Under the Title III-A state grants program, funds are used at the state level to support activities such as consultation to develop statewide standardized entrance and exit procedures. Funds are used by LEAs for activities such as effective language instructional programs, professional development, and supplemental activities. Title III also authorizes two national programs, a professional development project and a clearinghouse related to the education of ELs. The introductory text to Title III authorizes appropriations for FY2017 through FY2020.

### **Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act**

The English Language Acquisition program was designed to help ensure that ELs,<sup>41</sup> including immigrant students, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic standards that all students are expected to meet. The program was also designed to assist educators, SEAs, and LEAs in developing and implementing effective language instruction educational programs to assist in teaching ELs and developing and enhancing their capacity to provide effective instructional programs to prepare ELs to enter all-English settings. Title III-A also promotes parental, family, and community

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<sup>40</sup> STEM stands for science, technology, engineering, and mathematics.

<sup>41</sup> A definition of English learner is included in Section 8101(20).

participation in language instruction educational programs for the parents, families, and communities of ELs.

Formula grant allocations are made to SEAs based on the proportion of EL students and immigrant students in each state relative to all states. These amounts are weighted by 80% and 20%, respectively. SEAs may reserve not more than 5% of the funds received for working with LEAs to establish standardized statewide entrance and exit procedures, providing effective teacher and principal preparation and professional development activities, and planning evaluation, administration, and interagency coordination. SEAs are required to make subgrants to eligible entities<sup>42</sup> based on the relative number of EL students in schools served by those entities. SEAs are also required to reserve not more than 15% of the state allocation to make grants to eligible entities that have experienced a significant increase in the percentage or number of immigrant students enrolled in schools in the geographic area served by the entity.<sup>43</sup>

Eligible entities receiving subgrants are required to use funds for three activities.<sup>44</sup> First, funds must be used to increase the English language proficiency of ELs by providing effective language instructional programs that demonstrate the program is successfully increasing English language proficiency and student academic achievement. Second, funds must be used to provide effective professional development to school staff or community-based personnel. Third, funds must be used to provide and implement other “effective activities or strategies that enhance or supplement language instruction educational programs for ELs,”<sup>45</sup> including parent, family, and community engagement activities. Eligible entities receiving grants from the funds reserved specifically for immigrant students are required to use these funds to support activities that “provide enhanced instructional opportunities”<sup>46</sup> for immigrant students.

While Title III-A focuses on the education of ELs, Title I-A also contains provisions that specifically apply to this student population, as noted previously. For example, Title I-A requires that states establish English language proficiency standards<sup>47</sup> that are derived from the domains of speaking, listening, reading, and writing and are aligned with challenging state academic standards. Under Title I-A, LEAs are required to assess English language proficiency annually using assessments aligned with the state English language proficiency standards.<sup>48</sup>

## **National Programs (Sections 3131 and 3202)**

A portion of Title III-A funds are reserved to support two specific national programs: (1) the National Professional Development Project (Section 3131), and (2) the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (Section 3202). Under the National Professional Development Project, grants are awarded on a competitive basis for a period of up to five years to IHEs or public or private entities with relevant experience and capacity working in consortia with SEAs or LEAs to provide for professional development activities that will improve classroom instruction for ELs and help personnel working with these students to meet professional standards. The National

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<sup>42</sup> Eligible entities include one or more LEAs, or one or more LEAs partnering with a specified entity (e.g., IHE).

<sup>43</sup> The percentage of funds reserved is determined by the ESEA but may not exceed 15% of the SEA’s grant amount.

<sup>44</sup> There are several allowable uses of funds as well, such as providing community participation programs and acquiring or developing educational technology to improve the instruction of ELs.

<sup>45</sup> Section 3115(c)(3).

<sup>46</sup> Section 3115(e)(1).

<sup>47</sup> Section 1111(b)(1)(F).

<sup>48</sup> Section 1111(b)(2)(G).

Clearinghouse is responsible for collecting, analyzing, synthesizing, and disseminating information about language instruction educational programs for ELs and related programs.

## **Part B: General Provisions**

Part B includes definitions relevant to Title III, statutory provisions authorizing the National Clearinghouse (discussed above), and the development of regulations for Title III.

## **Title IV: 21<sup>st</sup> Century Schools**

Title IV authorizes a range of programs and activities including a block grant program, a program to support learning opportunities during non-school hours, programs to support charter schools and magnet schools, a family engagement program, an innovation and research program, programs to provide community support for student success, national activities for school safety, and programs focused on arts education, video programming for preschool and elementary school children, and gifted and talented education.

### **Part A: Student Support and Academic Enrichment (SSAE) Grants**

Title IV-A authorizes SSAE grants to improve students' academic achievement by increasing the capacity of states, LEAs, schools, and local communities to (1) provide all students with access to a well-rounded education,<sup>49</sup> (2) improve school conditions for student learning, and (3) improve the use of technology in order to increase the academic achievement and digital learning of all students. Formula grants are made to states based on their Title I-A funding from the prior year.<sup>50</sup> States then make formula subgrants to LEAs. LEAs must use SSAE funds for three broad categories of activities: (1) supporting well-rounded educational opportunities, (2) supporting safe and healthy students, and (3) supporting the effective use of technology. If an LEA receives a grant of \$30,000 or more, it must provide assurances that it will use at least 20% for activities to support a well-rounded education, at least 20% for activities to support safe and healthy students, and at least some of its funds to support the effective use of technology. If an LEA receives a grant of less than \$30,000, it is only required to provide an assurance regarding the use of funds for at least one of the three categories.

### **Part B: 21<sup>st</sup> Century Community Learning Centers**

Title IV-B supports activities provided during non-school hours that offer learning opportunities for school-aged children. Formula grants are made to SEAs based on their Title I-A funding from the prior year.<sup>51</sup> States subsequently award grants to local entities (e.g., LEAs, community-based organizations) on a competitive basis for a period of three to five years. In awarding subgrants, SEAs are required to give priority to applicants proposing to target services to students who attend schools implementing CSI or TSI activities or other schools identified by the LEA in need of intervention support to improve student academic achievement and other outcomes; enroll students who may be at risk for academic failure, dropping out, or involvement with criminal or

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<sup>49</sup> "Well-rounded education" is defined in Section 8101(52). It means courses, activities, and programming in a variety of subjects with the "purpose of providing all students access to an enriched curriculum and educational experience."

<sup>50</sup> No hold harmless provisions are applied in making this determination. For more information about the Title I-A formulas, see CRS Report R44461, *Allocation of Funds Under Title I-A of the Elementary and Secondary Education Act*.

<sup>51</sup> Ibid.

delinquent activities, or who lack “strong positive role models”; or target the families of such students. Local entities may use funds for activities that improve student academic achievement and support student success, such as academic enrichment learning programs, mentoring, tutoring, well-rounded education activities, programs to support a healthy and active lifestyle, technology education, expanded library service hours, parenting skills programs, drug and violence prevention programs, counseling programs, STEM programs, and programs that build career competencies and career readiness.

## **Part C: Enhancing Opportunity Through Quality Charter Schools**

The Charter Schools Program (CSP) supports the startup of new charter schools and the replication and expansion of high-quality charter schools (Section 4303). It also assists charter schools in accessing credit to acquire and renovate facilities and includes a competitive grant program that provides per-pupil facilities aid (Section 4304). The CSP also provides funding for national activities to support the startup, replication, and expansion of charter schools; the dissemination of best practices; program evaluation; and stronger charter authorizing practices (Section 4305). Of the funds appropriated for Title I-C, 65% is provided for the startup, replication, and expansion of charter schools; 22.5% for national activities; and 12.5% for facilities financing.<sup>52</sup>

## **Part D: Magnet Schools Assistance Program**

Title IV-D provides grants to LEAs to plan and operate magnet schools—public schools of choice designed to encourage voluntary enrollment by students of different racial backgrounds. LEAs that are operating under a court-ordered desegregation plan or have voluntarily adopted a federally approved desegregation plan are eligible to receive grants to establish and operate magnet schools. In awarding grants, the Secretary is required to give priority to LEAs that demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out approved desegregation plans and the magnet school program; propose to implement a new or revise an existing magnet school program based on evidence-based methods and practices or replicate an existing magnet school with a demonstrated track record of success; plan to admit students by methods other than academic examinations, such as a lottery; and propose to increase racial integration by taking into account socioeconomic diversity in the design and implementation of the magnet school program.

## **Part E: Family Engagement in Education Programs**

Title IV-E provides competitive grants to statewide organizations to establish family engagement centers. These centers promote parent education and family engagement in education programs and provide comprehensive training and technical assistance to SEAs, LEAs, and schools identified by SEAs and LEAs; organizations that support family-school partnerships; and other organizations that carry out such programs.

## **Part F: National Activities**

Title IV-F authorizes a range of programs. Each is discussed briefly below.

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<sup>52</sup> The distribution of funds among the various charter school programs is detailed in Section 4302(b).

Subpart F-1 authorizes the Education Innovation and Research (EIR) program,<sup>53</sup> which provides competitive grants to eligible entities to create, develop, implement, replicate, or take-to-scale entrepreneurial, evidence-based, field-initiated innovations to improve achievement and attainment for high-need students. Three types of grants (early phase, mid-phase, and expansion grants) are awarded primarily based on the past demonstrated success of the grantee in meeting these goals.

Subpart F-2 authorizes the Promise Neighborhoods program (Section 4624) and the Full-Service Community Schools (FSCS) program (Section 4625). They were authorized by the ESEA prior to the enactment of the ESSA using authority previously available in Title V-D-1 to create programs of national significance.<sup>54</sup> Both programs are designed to provide pipeline services, which deliver a “continuum of coordinated supports, services, and opportunities,” to children in distressed communities. More specifically, the Promise Neighborhoods program provides a comprehensive, effective continuum of coordinated services in neighborhoods with high concentrations of low-income individuals, multiple signs of distress (e.g., high rates of poverty, academic failure, and juvenile delinquency), and schools implementing comprehensive or targeted support and improvement activities under Title I-A. The FSCS program provides grants to public elementary and secondary schools to participate in a community-based effort to coordinate and integrate educational, developmental, family, health, and other comprehensive services through community-based organizations and public and private partnerships. Access to such services is provided in schools to students, families, and the community.

Subpart F-3 authorizes National Activities for School Safety. A portion of funds appropriated for these activities must be used for the Project School Emergency Response to Violence (Project SERV). Project SERV provides grants to LEAs, IHEs, and the Bureau of Indian Education (BIE) for BIE schools where the learning environment has been disrupted due to a violent or traumatic crisis.<sup>55</sup> Funds for National Activities for School Safety that are not used for Project SERV may be used for other activities to improve student well-being during or after the school day.

Subpart F-4 authorizes three programs focused on academic enrichment. Section 4642 authorizes competitive grants for arts education under the Assistance for Arts Education Program. Section 4643 authorizes grants to support educational and instructional video programming, accompanying support materials, and digital content to promote school readiness for preschool and elementary school children and their families through the Ready to Learn Programming program. Section 4644 authorizes the Javits Gifted and Talented Students Education Program, which provides grants to enhance the ability of elementary and secondary schools to identify gifted and talented students, including low-income and at-risk students, and meet their special educational needs. The section also supports the National Research Center for the Education of Gifted and Talented Children and Youth.

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<sup>53</sup> This program is similar to the Investing in Innovation (i3) program authorized by the American Recovery and Reinvestment Act (ARRA; P.L. 111-5).

<sup>54</sup> Congress used the Title V-D-1 authority to create the programs through the appropriations process. Neither program had statutory language included in the ESEA prior to the enactment of the ESSA. The authority previously included in Title V-D-1 that was used to create the programs was not retained by the ESSA.

<sup>55</sup> Based on recent grants made under Project SERV, eligible entities that have been affected by natural disaster may also be able to receive a grant. For more information, see U.S. Department of Education, *Project School Emergency Response to Violence (SERV): Eligibility*, <https://www2.ed.gov/programs/dvppserv/eligibility.html>.

## **Title V: Flexibility and Accountability**

Title V includes both funding transferability authority and programs to support rural education. Funding transferability authority allows states and LEAs to transfer federal funds from certain ESEA programs to other ESEA programs to enable them to address their particular needs. The Rural Education Assistance Program (REAP) provides additional resources to rural LEAs that might lack the resources to compete effectively for federal grants or might receive formula grant allocations that are too small to meet their intended purposes. The two rural education programs included in Title V provide LEAs with substantial flexibility in how they use their grant funds.

### **Part A: Funding Transferability for State and Local Educational Agencies**

Funding transferability for states and LEAs is included under Title V-A to provide states and LEAs with the “flexibility to target Federal funds to the programs and activities that most effectively address”<sup>56</sup> their “unique needs.”<sup>57</sup> In general, states are able to transfer funds from three formula grants programs that focus on teachers and school leaders, provide block grants, and provide after-school programming to formula grant programs focused on special populations (i.e., disadvantaged students, migratory students, neglected and delinquent students, and ELs). More specifically, states are permitted to transfer up to 100% of the funds allotted to them for state-level activities under Title II-A, Title IV-A, or Title IV-B to Title I-A, Title I-C, Title I-D, Title III-A, and one other ESEA program.<sup>58</sup> Similarly, LEAs are also permitted to transfer funds from formula grant programs that focus on teachers and school leaders or provide block grants to formula grant programs focused on special populations. More specifically, LEAs are permitted to transfer 100% of the funds received under Title II-A or Title IV-A to Title I-A, Title I-C, Title I-D, Title III-A, and one other ESEA program.<sup>59</sup> SEAs and LEAs are prohibited from transferring funds from Title I-A, Title I-C, Title I-D, Title III-A, and one other ESEA program to any other program.<sup>60</sup>

### **Part B: Rural Education Initiative**

Title V-B authorizes the Rural Education Achievement Program (REAP), which is designed to assist rural LEAs that may lack the resources to compete effectively for competitive grants and that may receive grants under other ESEA programs that are too small to be effective in meeting their specified purposes.

Subpart 1 authorizes the Small, Rural School Achievement (SRSA) program, which (1) provides eligible rural LEAs with the flexibility to use funds received under Title II-A and Title IV-A to carry out local activities authorized under certain ESEA programs,<sup>61</sup> and (2) authorizes a formula grant program for rural LEAs under which funds received may be used under several other ESEA

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<sup>56</sup> Section 5102.

<sup>57</sup> Ibid.

<sup>58</sup> There is a provision that would allow funds to be transferred to “Part B,” but the provision does not specify the applicable title.

<sup>59</sup> Ibid.

<sup>60</sup> There is a provision that would allow funds to be transferred to “Part B,” but the provision does not specify the applicable title.

<sup>61</sup> These programs include Title I-A, Title II-A, Title III, Title IV-A, and Title IV-B.



programs.<sup>62</sup> Eligibility for both the flexibility authority and the grant program is based on criteria such as average daily attendance or population density and locale codes.<sup>63</sup>

Subpart 2 authorizes the Rural and Low-Income School (RLIS) program, which provides formula grants to states. SEAs then make subgrants to eligible LEAs by formula or competition as determined by the SEA. LEA eligibility criteria include a school-age child poverty rate of 20% or more and meeting certain locale requirements. Similar to the SRSA grants, RLIS grants may be used under several other ESEA programs<sup>64</sup> or for parent involvement activities. LEAs cannot receive both an SRSA grant and a RLIS grant. An LEA that is eligible for grants under both the SRSA and RLIS programs must select the grant program under which it will receive funds.

## **Part C: General Provisions**

Part C contains several prohibitions against federal control of educational curricula, academic standards and assessments, or programs of instruction as a condition of receipt of funds under Title V. It also states that nothing in Title V shall be construed to mandate equalized spending per pupil for a state, LEA, or school.

## **Title VI: Indian, Native Hawaiian, and Alaska Native Education**

Title VI provides funds specifically for the education of Indian, Native Hawaiian, and Alaska Native children.<sup>65</sup> With respect to Indian education, the ESEA authorizes formula grants to LEAs, Indian tribes and organizations, BIE schools, and other entities to support elementary and secondary school programs that meet the unique cultural, language, and educational needs of Indian children. Funds are also provided for competitive grants to examine the effectiveness of services for Indian children and to provide support and training for Indian individuals to work in various capacities in the education system. Title VI also authorizes competitive grants to organizations with experience in operating Native Hawaiian programs to provide services to improve Native Hawaiian education. A Native Hawaiian Education Council is also authorized under Title VI. In addition, Title VI authorizes competitive grants for activities and services intended to improve education for Alaska Natives, such as the development of curricular materials and professional development.

## **Part A: Indian Education**

Subpart 1 authorizes formula grants to eligible LEAs, Indian tribes and organizations, BIE schools, and other entities to support the development of elementary and secondary school programs for Indian students that are designed to meet the unique cultural, language, and educational needs of such students and ensure that all students meet their state's challenging academic standards. Grant allocations are determined based on the number of eligible Indian children served by the eligible entity and state average per pupil expenditures.

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<sup>62</sup> These programs include Title I-A, Title II-A, Title III, Title IV-A, and Title IV-B.

<sup>63</sup> Locale codes are used to define an area's urbanicity. The locale codes used for the purposes of the Title V-B programs were established by the National Center for Education Statistics at ED. For more information about the locale codes, see <https://nces.ed.gov/surveys/ruraled/definitions.asp>.

<sup>64</sup> These programs include Title I-A, Title II-A, Title III, and Title IV-A.

<sup>65</sup> These programs were previously authorized under Title VII of the ESEA.



Subpart 2, Special Programs and Projects to Improve Educational Opportunities for Indian Children, authorizes two competitive grant programs: (1) Improvement of Educational Opportunities for Indian Children and Youth (Section 6121) and (2) Professional Development for Teachers and Education Professionals (Section 6122). The former supports projects to develop, examine, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children and youth. The latter focuses on efforts such as providing support and training to qualified Indian individuals to become effective teachers, school leaders, and administrators.

Subpart 3, National Activities, authorizes funds for a variety of purposes including research, evaluation, and data collection and analysis. It also authorizes Grants to Tribes for Education Administrative Planning, Development, and Coordination (Section 6132), as well as for Native American and Alaska Native Language Immersion Schools and Programs (Section 6133).

Subpart 4 establishes the National Advisory Council on Indian Education (NACIE; Section 6141) and authorizes a preference for Indian entities under programs authorized by Subparts 2 and 3.

## **Part B: Native Hawaiian Education**

Part B authorizes competitive grants to Native Hawaiian educational or community-based organizations, charter schools, or other public or private nonprofit organizations with experience in operating Native Hawaiian programs, or consortia of these entities, to provide a wide variety of services intended to improve education for Native Hawaiians. In the awarding of grants, priority is to be given to activities that are intended to improve reading skills for Native Hawaiian students in grades K-3, meet the needs of at-risk children and youth, increase participation by Native Hawaiians in fields or disciplines in which they are underemployed, or increase the use of the Hawaiian language in instruction. Specifically authorized activities include early childhood education and care, services for Native Hawaiian students with disabilities, and professional development for educators. Title VI-B also establishes a Native Hawaiian Education Council, which provides coordination activities, technical assistance, and community consultations related to the educational needs of Native Hawaiians.

## **Part C: Alaska Native Education**

Part C authorizes competitive grants for a variety of activities and services intended to improve education for Alaska Natives. Eligible grantees include Alaska Native organizations with relevant experience, Alaska Native organizations that lack relevant experience and partner with an SEA, LEA, or Alaska Native organization operating relevant programs; or an entity located in Alaska that is predominantly governed by Alaska Natives and meets other specified criteria. Authorized uses of funds include, for example, the development of curriculum materials that address the special needs of Alaska Native students, training and professional development, early childhood and parenting activities, and career preparation activities.

## **Title VII: Impact Aid**

Title VII compensates LEAs for the “substantial and continuing financial burden” resulting from federal activities.<sup>66</sup> These activities include federal ownership of certain lands, as well as the enrollments in LEAs of children of parents who work and/or live on federal land (e.g., children of parents in the military and children living on Indian lands). The federal government provides

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<sup>66</sup> Impact Aid was previously authorized under ESEA, Title VIII.

compensation via Impact Aid for lost tax revenue because these activities deprive LEAs of the ability to collect property or other taxes from these individuals (e.g., members of the Armed Forces living on military bases) even though the LEAs are obligated to provide free public education to their children.

Title VII authorizes several types of Impact Aid payments. These include payments under Section 7002, Section 7003, Section 7007, and Section 7008, which are discussed briefly below.<sup>67</sup>

**Payments Relating to Federal Acquisition of Real Property (Section 7002).** Section 7002 compensates LEAs for the federal ownership of certain property. To qualify for compensation, the federal government must have acquired the property, in general, after 1938 and the assessed value of the land at the time it was acquired must have represented at least 10% of the assessed value of all real property within an LEA's area of service.

**Payments for Eligible Federally Connected Children (Basic Support Payments, Section 7003).** Section 7003 compensates LEAs for enrolling "federally connected" children. These are children who reside with a parent who is a member of the uniformed services living on or off federal property, reside with a parent who is an accredited foreign military officer living on or off federal property, reside on Indian lands, reside in low-rent public housing, or reside with a parent who is a civilian working and/or living on federal land.

Two payments are made under Section 7003. Section 7003(b) authorizes "basic support payments" for federally connected children. Basic support payments are allocated directly to LEAs by ED based on a formula that uses weights assigned to different categories of federally connected children and cost factors to determine maximum payment amounts. Section 7003(d) authorizes additional payments to LEAs based on the number of certain children with disabilities who are eligible to receive services under the Individuals with Disabilities Education Act (IDEA).<sup>68</sup> Payments are limited to IDEA-eligible children whose parents are members of the uniformed services (residing on or off federal property) and those residing on Indian lands.

**Construction (Section 7007).** Section 7007 provides funds for construction and facilities upgrading to certain LEAs with high percentages of children living on Indian lands or children of military parents. These funds are used to make formula and competitive grants.

**Facilities Maintenance (Section 7008).** Section 7008 provides funds for emergency repairs and comprehensive capital improvements at schools that ED currently owns but LEAs use to serve federally connected military dependent children.

## Title VIII: General Provisions

### Part A: Definitions

Part A (Section 8101) provides definitions of a variety of terms used frequently throughout the ESEA, such as "local educational agency," "state educational agency," "evidence-based," "four-year adjusted cohort graduation rate," "professional development," "state," and "well-rounded education."

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<sup>67</sup> Other significant Impact Aid provisions include Section 7004, which details policies regarding children residing on Indian lands, and Section 7009, which prohibits states from considering Impact Aid payments in determining state aid to LEAs unless the state has an approved program to equalize expenditures among LEAs.

<sup>68</sup> For more information about IDEA, see CRS Report R41833, *The Individuals with Disabilities Education Act (IDEA), Part B: Key Statutory and Regulatory Provisions*.

## **Part B: Flexibility in the Use of Administrative and Other Funds**

Part B authorizes SEAs and LEAs to consolidate and jointly use funds available for administration under multiple ESEA programs. In order to qualify for this flexibility, SEAs must demonstrate that a majority of their resources are provided from nonfederal sources. LEAs need SEA approval to consolidate their funds. Part B also authorizes the consolidation of funds set aside for the Department of the Interior under various ESEA programs and the McKinney-Vento Homeless Education program.<sup>69</sup>

## **Part C: Coordination of Programs, Consolidated State and Local Plans and Applications**

Part C authorizes SEAs and LEAs to prepare single, consolidated plans and reports for all “covered” ESEA programs. In general, the covered programs<sup>70</sup> are the ESEA formula grant programs administered via SEAs.

## **Part D: Waivers**

Under this provision, the Secretary is authorized to waive most statutory and regulatory requirements associated with any program authorized by the ESEA,<sup>71</sup> if specifically requested by an SEA or Indian tribe. LEAs may submit waiver requests through their SEA. The SEA may then submit the request to the Secretary if it approves the waiver. Schools must submit their waiver requests to their LEAs, which in turn submit those requests to the SEA.

## **Part E: Approval and Disapproval of State Plans and Local Applications**

Part E includes provisions related to secretarial approval of state ESEA plans and SEA approval of LEA plans. In both cases, the Secretary and the SEA, respectively, have 120 days from the day the plan was submitted to make a written determination that the submitted plan does not comply with relevant requirements. If such a determination is made, among other actions, the state or LEA must be notified immediately of the determination, provided with a detailed description of the specific plan provisions that failed to meet the requirements, offered an opportunity to revise and resubmit the plan within 45 days of the determination being made, provided technical assistance upon request (from the Secretary or SEA, respectively), and provided with a hearing within 30 days of the plans resubmission.

## **Part F: Uniform Provisions**

Subpart 1 contains provisions for the participation of private school students and staff in those ESEA programs where such participation is authorized.<sup>72</sup> Under the relevant ESEA programs,

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<sup>69</sup> For more information about the McKinney-Vento Homeless Education program, see CRS Report RL30442, *Homelessness: Targeted Federal Programs*.

<sup>70</sup> These include Title I-A, Title I-C, Title I-D, Title II-A, Title III-A, Title IV-A, Title IV-B, and Title V-B-2.

<sup>71</sup> The Secretary is prohibited from waiving certain statutory or regulatory requirements. For example, the Secretary may not waive requirements related to the allocation or distribution of ESEA funds or requirements related to parental participation and involvement.

<sup>72</sup> The Section 8501 private school student and staff participation requirements apply to Title I-C, Title II-D, Title III-

services provided to private school students or staff are to be equitable in relation to the number of such students or staff eligible for each program; secular, neutral, and non-ideological, with no funds to be used for religious worship or instruction; and developed through consultation between public and private school officials. Provision is made for bypassing SEAs and LEAs that cannot or have not provided equitable services to private school students or staff, and serving private school students and staff in these areas through neutral, third-party organizations. Provision is also made for the submission of complaints regarding implementation of these requirements. Subpart 1 also prohibits federal control of private or homeschools, or the application of any ESEA requirement to any private school that does not receive funds or services under any ESEA program. It also states that no ESEA provisions apply to homeschools.<sup>73</sup>

Subpart 2 contains a wide range of provisions, including the following:

- a general definition of “maintenance of effort,” as applied in several ESEA programs (Section 8521);
- a requirement that ED publish guidance on prayer in public schools, and a requirement that LEAs receiving ESEA funds certify to their SEAs that they do not limit the exercise of “constitutionally protected prayer”<sup>74</sup> in public schools (Section 8524);
- a requirement that recipient SEAs, LEAs, and public schools have a “designated open forum”<sup>75</sup> to provide equal access to the Boy Scouts (Section 8525);
- a prohibition on the use of ESEA funds to “promote or encourage sexual activity (Section 8526)”;
- a prohibition on federal control of educational curricula, content or achievement standards, building standards, or allocation of resources (Section 8526A and Section 8527);
- a requirement that LEAs receiving funds under any ED program provide to the armed services access to directory information on secondary school students, unless students or their parents request that such information not be released<sup>76</sup> (Section 8528);
- a prohibition on federally sponsored testing of students or teachers, with some exceptions (Section 8529);<sup>77</sup>
- an “Unsafe School Choice Option” under which students in states receiving ESEA funds who attend a “persistently dangerous” public school,<sup>78</sup> or who are victims of violent crime at school, are to be offered the opportunity to transfer to a “safe” public school (Section 8532);

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A, Title IV-A, Title IV-B, and Section 4631 with respect to Project SERV. Title I-A has separate, detailed private school student and staff participation provisions. The Supporting High-Ability Learners and Learning program (Section 4644) also has separate private school student and teacher participation provisions.

<sup>73</sup> This provision applies to all homeschools, regardless of whether a homeschool is considered a private school under state law.

<sup>74</sup> Section 8524(a).

<sup>75</sup> Section 8525(b)(1).

<sup>76</sup> This provision does not apply to certain religiously affiliated private schools (Section 8527(c)).

<sup>77</sup> For example, NAEP is an exception to this prohibition (Section 8529(b)).

<sup>78</sup> Each state defines what constitutes a “persistently dangerous school” for its public schools.

- a requirement related to the transfer of school disciplinary records (Section 8537);
- a requirement related to consultation between LEAs and Indian tribes and tribal organizations (Section 8538);
- a requirement that ED provide outreach and technical assistance to rural LEAs (Section 8539); and
- a prohibition related to the aiding and abetting of sex abuse (Section 8546).

Subpart 3 includes teacher liability protection. This subpart provides limitations on liability for teachers in school for harm caused by an act or omission of the teacher on behalf of the school if certain conditions (e.g., the teacher was acting within the scope of his or her employment) are met.

Subpart 4 contains gun-free requirements. Each state receiving funds under the ESEA must have a state law that requires LEAs to expel for at least one year any student who is determined to have brought a firearm to a school or possessed a firearm at a school under the jurisdiction of an LEA in the state. The chief administering officer of the LEA may modify this requirement on a case-by-case basis. In addition, no LEA may receive funds unless it has a policy requiring that any student who brings a firearm or weapon to a school served by the LEA is referred to the criminal justice or juvenile delinquency system.

Subpart 5 prohibits smoking within indoor facilities providing kindergarten, elementary, or secondary education or library services to children, if the services are funded directly or indirectly by the federal government, or the facility is constructed, operated, or maintained using federal funds.

## **Part G: Evaluations**

Part G authorizes ED to reserve 0.5% of the funds appropriated for ESEA programs, other than Titles I, for program evaluations<sup>79</sup> if funds for this purpose are not separately authorized.

# **Appropriations and Authorizations of Appropriations for Programs Authorized by the ESEA**

Appropriations included in **Table 1** are based on the most recent data available from ED's Budget Service Office. The amounts shown reflect any reprogramming or transfers of funds done by ED as of the time this table was prepared to provide the actual level of funding allocated to each program/activity. This list of "programs/activities" does not take into account the number of programs, projects, or activities that may be funded under a single line-item appropriation, so the actual number of ESEA programs, projects, or activities being supported through appropriations is not shown. It should be noted that ED considers all of the funds provided in an appropriations act for a given fiscal year, including advance appropriations provided for the following fiscal year, to be appropriations for the given fiscal year. For example, for the purposes of appropriations, ED considers all of the funds provided in the FY2019 appropriations act, including advance appropriations provided in FY2020, to be FY2019 appropriations.

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<sup>79</sup> Section 1002 includes a separate authorization of appropriations for evaluations of Title I.

**Table 2** provides ESEA appropriations for FY2016 and FY2017 to depict the transition from the ESEA as amended by the NCLB to the ESEA as amended by the ESSA. Programs authorized under the ESEA as amended by either the NCLB or the ESSA are included. Programs and activities are referred to by their names in the ESEA as amended by the ESSA if a program was in both the ESEA as amended by the ESSA and by the NCLB. If the program had a different name in the ESEA as amended by the NCLB, the name is included in parentheses. Programs are listed in the order in which they appear in the ESEA as amended by the ESSA if they also appeared in the ESEA as amended by the NCLB. For programs that appear in only the ESEA as amended by either the ESSA or the NCLB, programs are listed in the order they appear or appeared in law. For some programs that were funded in FY2016 but not in FY2017, it is possible that another program authorized in FY2017 provided funding for similar purposes. For example, the Elementary and Secondary School Counseling program was funded in FY2016 but not in FY2017. School counseling activities are an allowable use of funds under the SSAE program created under the ESSA. The same methodology as discussed above was used in determining appropriations amounts for each program.

**Table 3** provides the authorized level of appropriations for each program included in the ESEA that has a specified authorization of appropriations. The ESEA includes authorizations of appropriations for FY2017 through FY2020.<sup>80</sup>

**Table 1. ESEA Appropriations, FY2017-FY2019**

(Dollars in thousands)

Program/Activity	ESEA Program/Activity Citation	FY2017 Appropriations	FY2018 Appropriations	FY2019 Appropriations
Grants to Local Educational Agencies (LEAs)	Title I-A	\$15,459,802	\$15,759,802	\$15,859,802
Grants for State Assessments and Enhanced Assessment Instruments (State Assessment Grants)	Title I-B	\$369,100	\$378,000	\$378,000
Education of Migratory Children (Migrant Education)	Title I-C	\$374,751	\$374,751	\$374,751
Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk (Neglected and Delinquent)	Title I-D	\$47,614	\$47,614	\$47,614
Supporting Effective Instruction	Title II-A	\$2,055,830	\$2,055,830	\$2,055,830
Teacher and School Leader Incentive Fund	Title II-B-1	\$200,000	\$200,000	\$200,000
Comprehensive State Literacy Development Grants	Title II-B-2 (Section 2222)	\$190,000	\$190,000	\$190,000
Innovative Approaches to Literacy	Title II-B-2 (Section 2226)	\$27,000	\$27,000	\$27,000

<sup>80</sup> The General Education Provisions Act (GEPA) automatically extends the authorizations of appropriations for these programs for an additional fiscal year if Congress has not acted to extend or repeal the authorizations of appropriations by the regular session that ends prior to the start of FY2020 (20 U.S.C. 1126a).

<b>Program/Activity</b>	<b>ESEA Program/Activity Citation</b>	<b>FY2017 Appropriations</b>	<b>FY2018 Appropriations</b>	<b>FY2019 Appropriations</b>
American History and Civics Education <sup>a</sup>	Title II-B-3 (Sections 2232 and 2233)	\$3,515	\$3,515	\$4,815
Supporting Effective Educator Development (SEED)	Title II-B-4 (Section 2242)	\$65,000	\$75,000	\$75,000
School Leader Recruitment and Support	Title II-B-4 (Section 2243)	\$14,500	\$0	\$0
STEM Master Teacher Corps	Title II-B-4 (Section 2245)	\$0	\$0	\$0
English Language Acquisition	Title III-A	\$737,400	\$737,400	\$737,400
Student Support and Academic Enrichment Grants	Title IV-A	\$400,000	\$1,100,000	\$1,170,000
21 <sup>st</sup> Century Community Learning Centers	Title IV-B	\$1,191,673	\$1,211,673	\$1,221,673
Charter Schools Program	Title IV-C	\$342,172	\$400,000	\$440,000
Magnet Schools Assistance Program	Title IV-D	\$97,647	\$105,000	\$107,000
Family Engagement in Education	Title IV-E	\$0	\$10,000	\$10,000
Education Innovation and Research	Title IV-F-1	\$100,000	\$120,000	\$130,000
Promise Neighborhoods	Title IV-F-2 (Section 4624)	\$73,254	\$78,254	\$78,254
Full-Service Community Schools	Title IV-F-2 (Section 4625)	\$10,000	\$17,500	\$17,500
National Activities for School Safety	Title IV-F-3	\$68,000	\$90,000	\$95,000
Assistance for Arts Education Program	Title IV-F-4 (Section 4642)	\$27,000	\$29,000	\$29,000
Ready to Learn Programming	Title IV-F-4 (Section 4643)	\$25,741	\$27,741	\$27,741
Javits Gifted and Talented Education	Title IV-F-4 (Section 4644)	\$12,000	\$12,000	\$12,000
Small, Rural School Achievement Program	Title V-B-1	\$87,920	\$90,420	\$90,420
Rural and Low-Income School Program	Title V-B-2	\$87,920	\$90,420	\$90,420
Indian Education, Formula Grants to LEAs	Title VI-A-1	\$100,381	\$105,381	\$105,381
Special Programs and Projects to Improve Educational Opportunities for Indian Children	Title VI-A-2	\$57,993	\$67,993	\$67,993
Indian Education, National Activities	Title VI-A-3	\$6,565	\$6,865	\$6,865
Native Hawaiian Education	Title VI-B	\$33,397	\$36,397	\$36,397
Alaska Native Education	Title VI-C	\$32,453	\$35,453	\$35,453



Program/Activity	ESEA Program/Activity Citation	FY2017 Appropriations	FY2018 Appropriations	FY2019 Appropriations
Impact Aid, Payments Relating to Federal Acquisition of Real Property	Title VII (Section 7002)	\$68,813	\$73,313	\$74,313
Impact Aid, Payments for Eligible Federally Connected Children (Basic Support Payments)	Title VII (Section 7003(b))	\$1,189,233	\$1,270,242	\$1,301,242
Impact Aid, Payments for Eligible Federally Connected Children (Payments for Children with Disabilities)	Title VII (Section 7003(d))	\$48,316	\$48,316	\$48,316
Impact Aid, Construction	Title VII (Section 7007)	\$17,406	\$17,406	\$17,406
Impact Aid, Facilities Maintenance	Title VII (Section 7008)	\$4,835	\$4,835	\$4,835
<b>TOTAL</b>	—	<b>\$23,627,231</b>	<b>\$24,897,121</b>	<b>\$25,167,421</b>

**Source:** Table prepared by CRS based on appropriations tables from the U.S. Department of Education, Budget Service, various years.

- a. With respect to American History and Civics Education, under Section 2232 funds are used to support Presidential and Congressional Academies for American History and Civics. Under Section 2233, funds are used to support National Activities. Based on ED, Budget Service, Justification of Appropriations Estimates to Congress, various years, appropriations have been provided as follows: FY2017 and FY2018: \$1,815,000 (Section 2232) and \$1,700,000 (Section 2233); FY2019: \$1,815,000 (Section 2232) and \$3,000,000 (Section 2233).

**Table 2. ESEA Program Authorizations Based on the No Child Left Behind Act (NCLB) and the Every Student Succeeds Act (ESSA): FY2016 and FY2017**

(Dollars in thousands)

Program/Activity	ESEA Citation		FY2016 Appropriations	FY2017 Appropriations
	NCLB	ESSA		
School Improvement Grants	Title I, Section 1003(g)	—	\$450,000	na
Grants to Local Educational Agencies (LEAs)	Title I-A	Title I-A	\$14,909,802	\$15,459,802
Grants for State Assessments and Enhanced Assessment Instruments (State Assessment Grants)	Title VI-A-1 (Sections 6111 and 6112)	Title I-B	\$378,000	\$369,100
Reading First	Title I-B-1	—	\$0	na
Early Reading First	Title I-B-2	—	\$0	na
Even Start	Title I-B-3	—	\$0	na

Program/Activity	ESEA Citation		FY2016 Appropriations	FY2017 Appropriations
	NCLB	ESSA		
Improving Literacy through School Libraries	Title I-B-4	—	\$0	na
Education of Migratory Children (Migrant Education)	Title I-C	Title I-C	\$374,751	\$374,751
Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk (Neglected and Delinquent)	Title I-D	Title I-D	\$47,614	\$47,614
Close Up Fellowships	Title I-E (Section 1504)	—	\$0	na
Comprehensive School Reform	Title I-F	—	\$0	na
Advanced Placement	Title I-G	—	\$28,483	na
School Dropout Prevention <sup>a</sup>	Title I-H	—	\$0	na
Supporting Effective Instruction (formerly the Teacher and Principal Training and Recruiting Fund <sup>b</sup> )	Title II-A	Title II-A	\$2,349,830	\$2,055,830
Advanced Credentialing	Title II-A-5 (Section 2151(c))	—	\$0	na
Special Education Teacher Training	Title II-A-5 (Section 2151(d))	—	\$0	na
Early Childhood Educator Professional Development	Title II-A-5 (Section 2151(e))	—	\$0	na
Teacher and School Leader Incentive Grants (formerly the Teacher Incentive Fund)	Title V-D-1	Title II-B-1	\$230,000	\$200,000
Comprehensive Literacy Development Grants (formerly Striving Readers)	Title I-E (Section 1502)	Title II-B-2 (Section 2222)	\$190,000	\$190,000
Innovative Approaches to Literacy	Title V-D-1	Title II-B-2 (Section 2226)	\$27,000	\$27,000
American History and Civics Education <sup>c</sup>	Title V-D-1	Title II-B-3 (Sections 2232 and 2233)	\$1,815	\$3,515

Program/Activity	ESEA Citation		FY2016 Appropriations	FY2017 Appropriations
	NCLB	ESSA		
Supporting Effective Educator Development (SEED)	— <sup>d</sup>	Title II-B-4 (Section 2242)	na	\$65,000
School Leader Recruitment and Support (formerly School Leadership program)	Title II-A-5 (Section 2151(b))	Title II-B-4 (Section 2243)	\$16,368	\$14,500
STEM Master Teacher Corps	—	Title II-B-4 (Section 2245)	na	\$0
Math and Science Partnerships	Title II-B	—	\$152,717	na
Transition to Teaching	Title II-C-1-B	—	\$0	na
National Writing Project	Title II-C-2	—	\$0	na
We the People (Civic Education)	Title II-C-3 (Section 2344)	—	\$0	na
Cooperative Education Exchange (Civic Education)	Title II-C-3 (Section 2345)	—	\$0	na
Teaching of Traditional American History	Title II-C-4	—	\$0	na
Educational Technology	Title II-D	—	\$0	na
English Language Acquisition	Title III-A <sup>e</sup>	Title III-A	\$737,400	\$737,400
Student Support and Academic Enrichment Grants <sup>f</sup>	—	Title IV-A	na	\$400,000
Safe and Drug Free, State Grants	Title IV-A-1	—	\$0	na
Hate Crime Prevention	Title IV-A-2 (Section 4123)	—	\$0	na
National Coordinator Program	Title IV-A-2 (Section 4125)	—	\$0	na
Community Service Grant Program	Title IV-A-2 (Section 4126)	—	\$0	na
School Security and Technology Resource Center	Title IV-A-2 (Section 4127)	—	\$0	na
National Center for School and Youth Safety	Title IV-A-2 (Section 4128)	—	\$0	na

Program/Activity	ESEA Citation		FY2016 Appropriations	FY2017 Appropriations
	NCLB	ESSA		
Alcohol Abuse Reduction	Title IV-A-2 (Section 4129)	—	\$0	na
Mentoring Programs	Title IV-A-2 (Section 4130)	—	\$0	na
21 <sup>st</sup> Century Community Learning Centers	Title IV-B	Title IV-B	\$1,166,673	\$1,191,673
Charter Schools Program	Title V-B-1 and 2	Title IV-C	\$333,172	\$342,172
Magnet Schools Assistance Program	Title V-C	Title IV-D	\$96,647	\$97,647
Family Engagement in Education	—	Title IV-E	na	\$0
Education Innovation and Research	— <sup>g</sup>	Title IV-F-1	na	\$100,000
Promise Neighborhoods	Title V-D-1 <sup>h</sup>	Title IV-F-2 (Section 4624)	\$73,254	\$73,254
Full Service Community Schools	Title V-D-1 <sup>i</sup>	Title IV-F-2 (Section 4625)	\$10,000	\$10,000
National Activities for School Safety	Title IV-A-2 (Section 4631)	Title IV-F-3	\$75,000	\$68,000
Assistance for Arts Education Program	Title V-D-15	Title IV-F-4 (Section 4642)	\$27,000	\$27,000
Ready to Learn Programming (formerly Ready-to-Learn Television)	Title II-D-3	Title IV-F-4 (Section 4643)	\$25,741	\$25,741
Javits Gifted and Talented Education	Title V-D-6	Title IV-F-4 (Section 4644)	\$12,000	\$12,000
Innovative Programs	Title V-A	—	\$0	na
Small, Rural School Achievement Program	Title VI-B-1	Title V-B-1	\$87,920	\$87,920
Rural and Low-Income School Program	Title VI-B-2	Title V-B-2	\$87,920	\$87,920
Voluntary Public School Choice	Title V-B-3	—	\$0	na
Fund for the Improvement of Education, National Programs <sup>i</sup>	Title V-D-1	—	na <sup>k</sup>	na
Preschool Development Grants	Title V-D-1 <sup>l</sup>	— <sup>m</sup>	\$250,000	na

Program/Activity	ESEA Citation		FY2016 Appropriations	FY2017 Appropriations
	NCLB	ESSA		
Non-cognitive Skills Initiative	Title V-D-1	—	\$3,000	na
Elementary and Secondary School Counseling	Title V-D-2	—	\$49,561	na
Character Education	Title V-D-3	—	\$0	na
Smaller Learning Communities	Title V-D-4	—	\$0	na
Reading is Fundamental	Title V-D-5	—	\$0	na
Star Schools Program	Title V-D-7	—	\$0	na
Ready to Teach	Title V-D-8	—	\$0	na
Foreign Language Assistance	Title V-D-9	—	\$0	na
Carol M. White Physical Education Program	Title V-D-10	—	\$47,000	na
Community Technology Centers	Title V-D-11	—	\$0	na
Exchanges with Historic Whaling and Trading Partners	Title V-D-12	—	\$0	na
Excellence in Economic Education	Title V-D-13	—	\$0	na
Grants to Improve the Mental Health of Children, Mental Health Integration in Schools	Title V-D-14 (Section 5541)	—	\$0	na
Grants to Improve the Mental Health of Children, Foundations for Learning	Title V-D-14 (Section 5542)	—	\$0	na
Parental Assistance and Local Family Information Centers	Title V-D-16	—	\$0	na
Combating Domestic Violence	Title V-D-17	—	\$0	na
Healthy, High-Performance Schools	Title V-D-18	—	\$0	na
Grants for Capital Expenses of Providing Equitable Services for Private School Students	Title V-D-19	—	\$0	na

Program/Activity	ESEA Citation		FY2016 Appropriations	FY2017 Appropriations
	NCLB	ESSA		
Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition	Title V-D-20	—	\$0	na
Women's Educational Equity Act	Title V-D-21	—	\$0	na
Indian Education, Formula Grants to LEAs	Title VII-A-1	Title VI-A-1	\$100,381	\$100,381
Special Programs and Projects to Improve Educational Opportunities for Indian Children	Title VII-A-2	Title VI-A-2	\$37,993	\$57,993
Indian Education, National Activities	Title VII-A-3	Title VI-A-3	\$5,565	\$6,565
Native Hawaiian Student Education	Title VII-B	Title VI-B	\$33,397	\$33,397
Alaska Native Student Education	Title VII-C	Title VI-C	\$32,453	\$32,453
Impact Aid, Payments Relating to Federal Acquisition of Real Property	Title VIII (Section 8002)	Title VII (Section 7002)	\$66,813	\$68,813
Impact Aid, Payments for Eligible Federally Connected Children (Basic Support Payments)	Title VIII (Section 8003(b))	Title VII (Section 7003(b))	\$1,168,233	\$1,189,233
Impact Aid, Payments for Eligible Federally Connected Children (Payments for Children with Disabilities)	Title VIII (Section 8003(d))	Title VII (Section 7003(d))	\$48,316	\$48,316
Impact Aid, Construction	Title VIII (Section 8007)	Title VII (Section 7007)	\$17,406	\$17,406
Impact Aid, Facilities Maintenance	Title VIII (Section 8008)	Title VII (Section 7008)	\$4,835	\$4,835
Title I Evaluation (formerly referred to as the National Assessment of Title I)	Title I-E	Title VIII-G	\$0	\$0
<b>TOTAL</b>	na	na	<b>\$23,754,060</b>	<b>\$23,627,231</b>

**Source:** Table prepared by CRS based on CRS analysis of relevant statutory language and appropriations tables from the U.S. Department of Education, Budget Service, various years.

**Notes:**

na: Not applicable.

—: Program not authorized.

- a. This program was also known as the High School Graduation Initiative.
- b. This program was commonly referred to as the Improving Teacher Quality program.
- c. Funds under the ESEA as amended by both the NCLB and the ESSA are used to support Presidential and Congressional Academies for American History and Civics. Under the ESEA as amended by the ESSA, funds are also used for National Activities.
- d. Prior to the enactment of the ESSA, funds were provided for SEED as a set aside under Title II-A.
- e. The ESEA as amended by the NCLB also included programs under Title III-B, Improving Language Instruction Educational Programs. Title III-B programs were only authorized if funding for Title III-A fell below \$650 million. As this never occurred, the Title III-B programs are not reflected in the table. The Title III-B programs were not retained by the ESSA.
- f. The SSAE grant program authorizes block grants that can be used to support activities that could formerly be supported through more targeted grant programs that were authorized under the ESEA as amended by the NCLB.
- g. While the ESEA as amended by the NCLB did not include a program similar to the Education Innovation and Research (EIR) program, the EIR program is similar to the Investing in Innovation (i3) program that was originally authorized by the American Recovery and Reinvestment Act (ARRA; P.L. 111-5) under the State Fiscal Stabilization Fund (Title XIV). The i3 program received \$120 million in FY2016.
- h. The Promise Neighborhoods program was enacted through the Department of Education Appropriations Act, 2010 (Division D, Title III of P.L. 111-117), based on authority available under Title V-D-1 of the ESEA. The specific provision of funds for this purpose is detailed in the conference report accompanying P.L. 111-117 (H.Rept. 111-366).
- i. The Full Service Community Schools program was initially created as a demonstration program through the Department of Education Appropriations Act, 2008 (Division G, Title III of P.L. 110-161), based on authority available under ESEA, Title V-D-1.
- j. The Fund for the Improvement of Education, National Programs authority supported “nationally significant programs to improve the quality of elementary and secondary education at the State and local levels and help all children meet challenging State academic content and student academic achievement standards” (ESEA, Section 5411(a) prior to the enactment of the ESSA). Examples of programs funded under the Title V-D-1 authority, in addition to those listed in the table, include the Data Quality Initiative and the Gulf Coast Recovery Grant Initiative. The Title V-D-1 authority was not retained when the ESEA was reauthorized by the ESSA.
- k. See specific programs listed in the table for appropriations provided under the Title V-D-1 authority in FY2016.
- l. For FY2014, Preschool Development Grants were authorized using authority available under the American Recovery and Rehabilitation Act (ARRA, P.L. 112-5, Section 14006). In FY2015 and FY2016, the program was authorized using authority available under ESEA, Title V-D-1.
- m. A new Preschool Development Grants program was included in the ESSA but was not included in the ESEA. It should be noted that the ESSA included changes to programs that are not part of the ESEA.



**Table 3. ESEA Program Authorizations**

<b>Program/Activity</b>	<b>Title</b>	<b>Section Authorizing Appropriations</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>	<b>FY2020</b>
Grants to Local Educational Agencies (LEAs)	Title I-A	Section 1002	\$15,012,317,605	\$15,457,459,042	\$15,897,371,442	\$16,182,344,591
Grants for State Assessments and Enhanced Assessment Instruments (State Assessment)	Title I-B	Section 1002	\$378,000,000	\$378,000,000	\$378,000,000	\$378,000,000
Education of Migratory Children (Migrant Education)	Title I-C	Section 1002	\$374,751,000	\$374,751,000	\$374,751,000	\$374,751,000
Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk (Neglected and Delinquent)	Title I-D	Section 1002	\$47,614,000	\$47,614,000	\$47,614,000	\$47,614,000
Supporting Effective Instruction	Title II-A	Section 2003	\$2,295,830,000	\$2,295,830,000	\$2,295,830,000	\$2,295,830,000
Teacher and School Leader Incentive Program	Title II-B-1	Section 2003 and Section 2201	49.1% (\$230,220,362) of a single authorization for national activities under Title II-B. <sup>a</sup>	49.1% (\$230,220,362) of a single authorization for national activities under Title II-B. <sup>a</sup>	49.1% (\$230,361,488) of a single authorization for national activities under Title II-B. <sup>a</sup>	47.0% (\$229,908,960) of a single authorization for national activities under Title II-B. <sup>a</sup>

<b>Program/Activity</b>	<b>Title</b>	<b>Section Authorizing Appropriations</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>	<b>FY2020</b>
Literacy Education For All (includes Comprehensive Literacy State Development Grants and Innovative Approaches to Literacy)	Title II-B-2	Section 2003 and Section 2201	34.1% (\$159,888,276) of a single authorization for national activities under Title II-B. <sup>a</sup>	34.1% (\$159,888,276) of a single authorization for national activities under Title II-B. <sup>a</sup>	34.1% (\$159,986,288) of a single authorization for national activities under Title II-B. <sup>a</sup>	36.8% (\$180,013,824) of a single authorization for national activities under Title II-B. <sup>a</sup> .
American History and Civics Education, Presidential and Congressional Academies	Title II-B-3, Section 2232	Section 2003 and Section 2201	26.0% <sup>b</sup> of 1.4% (\$1,706,725) of a single authorization for national activities under Title II-B. <sup>a, b</sup>	26.0% <sup>b</sup> of 1.4% (\$1,706,725) of a single authorization for national activities under Title II-B. <sup>a, b</sup>	26.0% <sup>b</sup> of 1.4% (\$1,707,772) of a single authorization for national activities under Title II-B. <sup>a, b</sup>	26.0% <sup>b</sup> of 1.4% (\$1,780,572) of a single authorization for national activities under Title II-B. <sup>a, b</sup>
American History and Civics Education, National Activities	Title II-B-3, Section 2233	Section 2003 and Section 2201	74.0% <sup>c</sup> of 1.4% (\$4,857,603) of a single authorization for national activities under Title II-B. <sup>a, c</sup>	74.0% <sup>c</sup> of 1.4% (\$4,857,603) of a single authorization for national activities under Title II-B. <sup>a, c</sup>	74.0% <sup>c</sup> of 1.4% (\$4,860,580) of a single authorization for national activities under Title II-B. <sup>a, c</sup>	74.0% <sup>c</sup> of 1.4% (\$5,067,780) of a single authorization for national activities under Title II-B. <sup>a, c</sup>
Programs of National Significance (includes Supporting Effective Educator Development Grant Program, School Leadership Recruitment and Support Grant Program, Technical Assistance and National Evaluation, and STEM Master Teacher Corps Grant Program)	Title II-B-4	Section 2003 and Section 2201	15.4% (\$72,207,609) of a single authorization for national activities under Title II-B. <sup>a</sup>	15.4% (\$72,207,609) of a single authorization for national activities under Title II-B. <sup>a</sup>	15.4% (\$72,251,872) of a single authorization for national activities under Title II-B. <sup>a</sup>	14.8% (\$72,396,864) of a single authorization for national activities under Title II-B. <sup>a</sup>

<b>Program/Activity</b>	<b>Title</b>	<b>Section Authorizing Appropriations</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>	<b>FY2020</b>
English Language Acquisition	Title III	Section 300I	\$756,332,450	\$769,568,267	\$784,959,633	\$884,959,633
Student Support and Academic Enrichment Grants	Title IV-A	Section 4112	\$1,650,000,000	\$1,600,000,000	\$1,600,000,000	\$1,600,000,000
21 <sup>st</sup> Century Community Learning Centers	Title IV-B	Section 4206	\$1,000,000,000	\$1,100,000,000	\$1,100,000,000	\$1,100,000,000
Charter Schools Program (includes Grants to Support High-Quality Charter Schools, Facilities Financing, and National Activities)	Title IV-C	Section 4311	\$270,000,000	\$270,000,000	\$300,000,000	\$300,000,000
Magnet Schools Assistance Program	Title IV-D	Section 4409	\$94,000,000	\$96,820,000	\$102,387,150	\$108,530,379
Family Engagement in Education Programs	Title IV-E	Section 4506	\$10,000,000	\$10,000,000	\$10,000,000	\$10,000,000
Education Innovation and Research	Title IV-F-1	Section 4601	36.0% (\$70,466,760) of a single authorization for national activities under Title IV-F. <sup>d</sup>	36.0% (\$70,466,760) of a single authorization for national activities under Title IV-F. <sup>d</sup>	42.0% (\$90,611,220) of a single authorization for national activities under Title IV- F. <sup>d</sup>	42.0% (\$90,611,220) of a single authorization for national activities under Title IV- F. <sup>d</sup>
Community Support for School Success (includes Promise Neighborhoods and Full-Service Community Schools)	Title IV-F-2	Section 4601	36.0% (\$70,466,760) of a single authorization for national activities under Title IV-F. <sup>d</sup>	36.0% (\$70,466,760) of a single authorization for national activities under Title IV-F. <sup>d</sup>	32.0% (\$69,037,120) of a single authorization for national activities under Title IV-F. <sup>d</sup>	32.0% (\$69,037,120) of a single authorization for national activities under Title IV-F. <sup>d</sup>

<b>Program/Activity</b>	<b>Title</b>	<b>Section Authorizing Appropriations</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>	<b>FY2020</b>
National Activities for School Safety, including the Project School Emergency Response to Violence program (Project SERV) <sup>e</sup>	Title IV-F-3	Section 4601	\$5,000,000 reservation from a single authorization for national activities under Title IV-F. <sup>d</sup>	\$5,000,000 reservation from a single authorization for national activities under Title IV-F. <sup>d</sup>	\$5,000,000 reservation from a single authorization for national activities under Title IV-F. <sup>d</sup>	\$5,000,000 reservation from a single authorization for national activities under Title IV-F. <sup>d</sup>
Academic Enrichment (includes Assistance for Arts Education, Ready to Learn Programming, and Supporting High-Ability Learners and Learning)	Title IV-F-4	Section 4601	28.0% (\$54,807,480) of a single authorization for national activities under Title IV-F. <sup>d</sup>	28.0% (\$54,807,480) of a single authorization for national activities under Title IV-F. <sup>d</sup>	26.0% (\$56,092,660) of a single authorization for national activities under Title IV-F. <sup>d</sup>	26.0% (\$56,092,660) of a single authorization for national activities under Title IV-F. <sup>d</sup>
Rural Education Achievement Program <sup>f</sup> (REAP; includes Small, Rural Achievement Program and Rural and Low-Income School Program)	Title V-B	Section 5234	\$169,840,000	\$169,840,000	\$169,840,000	\$169,840,000
Indian Education, Formula Grants to LEAs	Title VI-A-1	Section 6152	\$100,381,000	\$102,388,620	\$104,436,392	\$106,525,120
Special Programs and Projects to Improve Educational Opportunities for Indian Children	Title VI-A-2	Section 6152	\$17,993,000	\$17,993,000	\$17,993,000	\$17,993,000
Indian Education, National Activities	Title VI-A-3	Section 6152	\$5,565,000	\$5,565,000	\$5,565,000	\$5,565,000
Native Hawaiian Education	Title VI-B	Section 6205	\$32,397,000	\$32,397,000	\$32,397,000	\$32,397,000

<b>Program/Activity</b>	<b>Title</b>	<b>Section Authorizing Appropriations</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>	<b>FY2020</b>
Alaska Native Education	Title VI-C	Section 6304	\$31,453,000	\$31,453,000	\$31,453,000	\$31,453,000
Impact Aid, Payments Relating to Federal Acquisition of Real Property	Title VII, Section 7002	Section 7014	\$66,813,000	\$66,813,000	\$66,813,000	\$71,997,917
Impact Aid, Payments for Eligible Federally Connected Children (Basic Support Payments)	Title VII, Section 7003(b)	Section 7014	\$1,151,233,000	\$1,151,233,000	\$1,151,233,000	\$1,240,572,618
Impact Aid, Payments for Eligible Federally Connected Children (Payments for Children with Disabilities)	Title VII, Section 7003(d)	Section 7014	\$48,316,000	\$48,316,000	\$48,316,000	\$52,065,487
Impact Aid, Construction	Title VII, Section 7007	Section 7014	\$17,406,000	\$17,406,000	\$17,406,000	\$18,756,765
Impact Aid, Facilities Maintenance	Title VII, Section 7008	Section 7014	\$4,835,000	\$4,835,000	\$4,835,000	\$5,210,213
Evaluation of Title I Programs	Title VIII-G	Section 1002	\$710,000	\$710,000	\$710,000	\$710,000
TOTAL Authorization of Appropriations	na	na	\$24,205,408,630	\$24,718,613,504	\$25,231,819,617	\$25,745,024,723

**Source:** Table prepared by CRS based on CRS analysis of the Elementary and Secondary Education Act.

- The total authorization of appropriations for Title II-B is \$468,880,575 for each of FY2017 and FY2018, and \$489,168,000 for each of FY2019 and FY2020.
- The ESEA as amended by the ESSA requires that not less than 26% of the available funds be used for the Presidential and Congressional Academies for American History and Civics program. For the purposes of this report, it was assumed that 26% would be used for this program.
- The ESEA as amended by the ESSA requires that not more than 74% of the available funds be used for national activities related to American history, civics and government, and geography instruction. For the purposes of this report, it was assumed that 74% would be used for this purpose.

- d. The total authorization of appropriations for Title IV-F is \$200,741,000 for each of FY2017 and FY2018, and \$220,741,000 for each of FY2019 and FY2020. The amount of funding available for the programs authorized under Title IV-F-1, Title IV-F-2, and Title IV-F-4 is based on the total amount of funding available for Title IV-F after reserving \$5 million for Title IV-F-3.
- e. The Secretary must use a portion of the funds reserved under national activities for Project SERV. Funds may also be used to carry out other activities “to improve students’ safety and well-being.” (Section 4631(a)(1)(B).)
- f. Per the requirements of Section 5234, appropriations for REAP are divided evenly between the Small, Rural School Achievement Program and the Rural and Low-Income School Program.



## Appendix. Glossary of Acronyms

ATSI	Additional targeted support and improvement
BIE	Bureau of Indian Education
CSI	Comprehensive support and improvement
ED	U.S. Department of Education
EFIG	Education Finance Incentive Grants
EIR	Education Innovation and Research program
EL	English learner
ESEA	Elementary and Secondary Education Act
ESSA	Every Student Succeeds Act
i3	Investing in Innovation program
IDEA	Individuals with Disabilities Education Act
IHE	Institution of higher education
LEA	Local educational agency
LEP	Limited English proficient
L-HHS-ED	Departments of Labor, Health and Human Services, and Education, and Related Agencies
NAEP	National Assessment of Educational Progress
NCLB	No Child Left Behind Act
REAP	Rural Education Achievement Program
RLA	Reading/language arts
RLIS	Rural and Low-Income School Program
SEA	State educational agency
SEED	Supporting Effective Educator Development
SES	Supplemental educational services
SIG	School Improvement Grants
SRSA	Small, Rural School Achievement Program
TAP	Targeted assistance program
TSI	Targeted support and improvement

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