



Texas
Education
Agency

Texas Education Agency

NCLB Program Coordination



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No Child Left Behind

Public Law 107-110



Preliminary Guidance for the Implementation of COORDINATING NCLB FUNDS IN AN RtI MODEL

Division of NCLB Program Coordination
Texas Education Agency

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CONSIDERATIONS FOR COORDINATING NCLB FUNDS IN AN RtI MODEL

Title I, Part A Funds

Title I, Part A funds must be expended for programs/activities/strategies that are scientifically-based on research and meet the needs (identified in the campus' comprehensive needs assessment process) which are listed in the campus' improvement plan.

- Serves students failing or most at-risk of failing to meet state standards.
- Must meet supplement, not supplant provision.
 - Supplement—to add to, to enhance, to expand, to increase, to extend.
 - Supplant—to take the place of, to replace.

Supplement, Not Supplant

- The federal supplement, not supplant (S/NS) provision is intended to ensure that services provided under Title I are in addition to, and not in place of, services that would otherwise be provided to participating students with state and local funds if Title I funds were not allocated to the campus.
- Any program activity required by state law, State Board of Education rule, or local policy may not be funded with Title I, Part A funds.
- Targeted Assistance Program (TAP)
 - Records must be maintained that document that Title I, Part A funds are expended on activities and services for only Title I, Part A eligible children identified as having the greatest need for special assistance.
- Schoolwide Programs (SWP)
 - Title I, Part A funds only to supplement the amount of funds available from non-federal sources for the campus including funds to provide services that are required by law for children with disabilities and children with limited English proficiency.
 - Not required to demonstrate that activities are supplemental.
 - Not required to identify (target) particular students or to provide supplemental services to identified students.
 - Other funds may be used on a schoolwide campus in combination with Title I, Part A to upgrade the entire educational program of the campus. Such schoolwide programs are exempt from statutory or regulatory requirements of other federal education programs, provided that the intent and purposes of such programs are met and the needs of the intended beneficiaries of the federal fund sources combined are met.
 - The effectiveness of the program is measured by student performance.
- Exclusion from S/NS Compliance
 - An LEA may exclude from its S/NS compliance any state or local funds expended in any school for programs that meet the intent and purpose of Title I, Part A.
 - Title I regulations govern what constitutes a program that meets the intent and purpose of Title I, Part A.
 - TAP-like program meets the intent and purpose of Title I if the program:
 - Serves only students failing or most at-risk of failing to meet the state's academic achievement standards,
 - Provides supplementary services designed to meet the special needs of the students in the program, and

- Uses the state's assessment system to determine effectiveness of the program.
- SWP-like program meets the intent and purpose of Title I if the program:
 - Campus meets the SW poverty threshold (40%) for eligibility,
 - Promotes schoolwide reform and upgrades the entire educational operation of the campus to support students in their achievement toward meeting the state's student academic achievement standards;
 - Meets the educational needs of all children in the school, particularly the needs of children who are failing, or most at risk of failing, to meet the State's challenging student academic performance standards; and
 - Uses the state's assessment system to determine effectiveness of the program.
- Presumptions of Supplanting (may be rebutted with proper documentation)
 - Providing services that the LEA is required to make available under federal, state, or local law.
 - Providing services that the LEA provided the prior SY with non-federal funds.
 - Providing services to students participating in a Title I program that the LEA provides to non-Title I students or students at non-Title I schools with non-federal funds.

Supplement, Not Supplant Considerations for RtI

- Expending Title I, or other NCLB funds that are combined on a SWP, as part of a RtI model would become a supplant, and unallowable if the state law or local policy requires an RtI Model to be implemented.
- Title I funds on a TAP campus may be part of RtI Model, but it takes more planning and documentation of program compliance requirements.
 - Duration of the interventions:
 - TAP students are usually tested on standards at beginning (or end of previous) school year. This data is often used as the eligibility criteria.
 - However, it is not required to be implemented this way.
 - TAP services may be designed for shorter periods of time as long as have clearly defined criteria for the levels of intervention.
 - Remember, TAP requires a minimum of two objective, educationally related criteria. If using TAP funds in an RtI model, the same multiple criteria must be used for all students to enter the RtI interventions.
 - Universal screening and progress monitoring:
 - Universal screening may not be paid with TAP funds under Title I.
 - However, additional program monitoring or more frequent monitoring for only the at-risk students receiving RtI interventions is allowable.
 - Professional Development:
 - Professional development paid with Title I TAP funds may only be for teachers of identified TAP students.
 - The costs of the professional development must be reasonable and necessary, and
 - The professional development paid with TAP funds may not be provided for all teachers on the campus (it must be supplementary).
 - Eligibility Requirements:
 - A TAP student may never miss whole group instruction from regular education teacher to receive TAP services.

- TAP may only serve the students failing or most at-risk of failing to meet state standards.
- If TAP is part of RtI model, students must be selected for intervention using same (multiple, objective, educationally related) TAP criteria.
- Title I and other NCLB funds combined on a SWP campus may easily be part of RtI Model. The S/NS provision is more easily documented.
 - Full consolidation of federal, state, and local funds in SWP budget:
 - Expenditures for any cost on the campus are allowable from the SWP budget.
 - Federal consolidation—only combining federal funds in SWP budget:
 - Expenditures for only educational (instructional, as defined by USDE staff) costs on the campus are allowable from the SWP budget.
 - No consolidation—only Title I, Part A funds in SWP budget:
 - Expenditures for only educational (instructional, as defined by USDE staff) costs on the campus are allowable from the SWP budget, and
 - LEA must track Title I, Part A funds to allowable Title I activity.

General Considerations

Regardless of which type(s) of Title I, Part A program the LEA operates, to determine if an expense is allowable under Title I, Part A the LEA must be able to respond appropriately to, and maintain documentation for, each of the following questions to determine whether an expenditure would be allowable:

1. Is the expenditure reasonable and necessary to carry out the intent and purpose of the program?
2. Does the expenditure address a need previously identified in the campus comprehensive needs assessment?
3. Is the program/activity/strategy to be funded described in the campus/district improvement plan prior to the question to pay the expenditure from Title I, Part A funds?
4. How will the expenditure be evaluated to measure a positive impact on student achievement?
5. If a schoolwide campus, will the expenditure upgrade the entire educational program on the campus?
6. Is the expenditure supplemental to other non-federal programs? On a schoolwide program, the amount of Title I, Part A funding on the campus must be supplemental. On a targeted assistance program, the program/activity/strategy must be supplemental.

Program Requirements for Schoolwide Campuses

The Campus Improvement Plan of a Schoolwide Campus must:

1. Incorporate the requirements of a Schoolwide Plan as cited in P.L. 107-110, Section 1114(b);
2. Clearly incorporate the Ten Components of a Schoolwide Program;
3. Describe how the school will use Title I, Part A resources and other sources to implement the ten components;
4. Include a list of state and federal programs whose funds will be combined to implement a schoolwide program;
5. Describe how the intent and purposes of the federal programs whose funds are combined on a schoolwide campus are met; and
6. Include sufficient activities to address the needs of the intended beneficiaries of the federal programs whose funds are combined on a schoolwide campus for upgrading the entire education program.

Program Requirements for Targeted Assistance Programs

The Title I, Part A Targeted Assistance Program must:

1. Implement the Eight Components of a Targeted Assistance Program;
2. Include in the Campus Improvement Plan the student eligibility criteria used for identifying the Title I, Part A students in greatest need of service—students who are failing, or most at risk of failing, to meet the state's student performance standards. The campus must use multiple (at least two), educationally related, objective criteria established by the LEA; and
3. Describe in the Campus Improvement Plan how Title I, Part A funds are spent on effective methods and instructional strategies that are based on scientifically based research for participating Title I, Part A students.

Other NCLB Funds

Funds under the following NCLB fund sources may be combined on Title I, Part A Schoolwide campuses and be coordinated with an RtI model, as appropriate, as described above.

- Title I, Part C—Migrant (only if the LEA meets the criteria required, and is pre-approved by TEA, to combine Migrant funds on Schoolwide)
- Title II, Part A
- Title II, Part D
- Title III, Part A
- Title V, Part A
- Title VI, Part B—Rural, Low-Income Schools Program

The same fund sources may be coordinated with an RtI strategy on a Targeted Assistance Program or on a non-Title I campus, only if the LEA is able to respond appropriately to, and maintain documentation for, each of the following general questions to determine whether an expenditure would be allowable for the fund source.

- Is the expenditure reasonable and necessary to carry out the intent and purpose of the program?
- Is the expenditure for the allowable intended beneficiaries of the program (i.e., eligible students or teachers)?
- Does the expenditure address a need previously identified in the comprehensive needs assessment?
- Is the program/activity/strategy to be funded an allowable expenditure from the NCLB fund source?
- How will the expenditure be evaluated to measure a positive impact on student achievement?
- Is the expenditure supplemental to other non-federal programs?

Refer to the specific program guidelines documents in the eGrants system to determine individual program expenditure allowability.

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