

Using Federal Funds to Support Career Guidance and Career Counseling in Middle and High School

School districts and other local educational agencies (LEAs) can use several U.S. Department of Education (ED) grants to support efforts to provide career guidance and career counseling to middle and high school students including:

- Title I, Part A
- Title IV, Part A
- IDEA, Part B
- Carl D. Perkins

This guidance provides a general overview of allowable activities, but whether or not a particular cost can be supported with ED funds depends on the underlying facts and circumstances. Therefore, the fact that an activity is listed in this guidance does not mean it is allowable in all circumstances. Similarly, the fact that an activity is not listed in this guidance does not mean it is unallowable.

LEAs are welcome to contact NDE with questions about a particular situation or for more information about this guidance. For Titles I and IV programs, contact Seng-Dao Keo, skeo@doe.nv.gov, or Gabrielle Pingue, gpingue@doe.nv.gov. For IDEA programs, contact Will Jensen, wjensen@doe.nv.gov. And, for Carl D. Perkins programs, contact Kristine Nelson, knelson@doe.nv.gov.

A. General Spending Considerations that Apply to All ED Programs

There are a few things to keep in mind when spending ED grant funds.

First, all costs charged to ED grants must be consistent with federal spending rules known as “cost principles.” These cost principles come from federal regulations called the Uniform Grant Guidance (UGG), which apply to all federal grants including ED grants.¹

The UGG affects ED grant spending in a number of ways. It:

- *Lists costs that may never be paid for with federal funds.* For example, federal funds can never pay for alcohol or lobbying.
- *Lists general criteria all costs supported with federal funds must satisfy.* For example, federal funds can only pay for costs that are necessary and reasonable for the performance of the grant.
- *Sets additional requirements for certain costs supported with federal funds.* For example, LEAs that use federal funds for employee salaries and benefits must keep records documenting how much time the employees spent on grant activities.
- *Sets rules for how LEAs procure goods and services with federal funds, how they track items paid for with federal funds, and the kinds of records they must keep about their grant spending.*

Second, activities supported by ED funds must be consistent with the LEA’s application for funds approved by NDE.

¹ The Uniform Grant Guidance (UGG) is contained in Part 200 of Title 2 of the Code of Federal Regulations available at http://www.ecfr.gov/cgi-bin/text-idx?SID=f3948247e9ceb83b01019746db896096&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl. Federal guidance and other resources about the UGG are available at <http://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>.

Third, each of the four ED grant programs discussed in this guidance has a “supplement not supplant” requirement that affects spending. Supplement not supplant works differently in each of these four programs. More information about supplement not supplant, and how it applies in a given program, is available in Section F.

B. Title I, Part A

Title I provides supplemental funding to help low-income schools expand opportunities for educationally disadvantaged students.

Before allocating funds to Title I schools, LEA must reserve funds for certain mandatory activities, and may reserve funds for other discretionary activities.

In the discretionary category, LEAs have the option to reserve Title I, Part A funds for initiatives to support career guidance and counseling in middle and high schools which could include:

- A necessary and reasonable amount to implement district-managed Title I initiatives in all, or a subset, of its Title I schools² such as:
 - Career exploration and aptitude tools for Title I students in Title I schools,
 - Career academies or other career development programs for Title I students in Title I schools,
 - Relevant professional development on college and career guidance for teachers and counselors working with Title I students in Title I schools, and
 - Counseling, mentoring, or other strategies³ to support Title I students in Title I schools³
- At least 1% for parental involvement,⁴ which can include providing information to parents of Title I students on helping their children become college and career ready, including course selection, high school graduation requirements, and counseling services.⁵

Title I schools can also use funds for initiatives to support career guidance and counseling in middle and high schools:

- Title I schools operating schoolwide programs can use Title I funds to upgrade their educational programs consistent with the needs and schoolwide plans, which can include:
 - Counseling, specialized instructional support services, mentoring services and other strategies to improve students’ skills outside the academic subject areas,⁶ and
 - Preparation for and awareness of opportunities for postsecondary education and the workforce.⁷
- Title I schools operating targeted assistance programs can use Title I funds to support Title I-eligible students, which can include:

² 34 CFR § 200.77(g).

³ All students may participate in Title I funded services in schools operating a *schoolwide program*, but only educationally disadvantaged students who are identified by the school may participate in Title I funded services in a school operating a *targeted assistance program*.

⁴ LEAs that receive at least \$500,000 in Title I, Part A funds must reserve 1% for parental involvement activities. ESSA, Section 1116(a)(3)(A). LEAs may reserve more if they wish.

⁵ See, for example, U.S. Department of Education, *Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students* (2009), Q&A G-8, available at <https://www2.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.doc>. This guidance is referred to as “*ED 2009 Title I Reform Guidance*” for the rest of this document.

⁶ ESSA, Section 1114(b)(7)(A)(iii)(I).

⁷ ESSA, Section 1114(b)(7)(A)(iii)(II).

- Activities to provide participating students a well-rounded education,⁸ which includes career and technical education,⁹ and
- Professional development for specialized instructional support personnel, which includes counselors,¹⁰ who work with Title I students.¹¹

A Note about Title I, Part A Funding in Secondary Schools¹²

The Every Student Succeeds Act (ESSA) provides two new options which can make it easier for secondary schools to access Title I funds.

These two options were created because the poverty levels of secondary schools are often under-reported. This is because the most common measure of poverty for Title I is participation in free and reduced price lunch programs, and secondary school students are often less likely to participate in those programs than elementary school students. As a result, secondary schools often rank lower than elementary schools on this measure of poverty.

The under-reporting of poverty levels is particularly important in the context of Title I, because Title I money is distributed to schools through a process known as “ranking and serving” where LEAs rank their schools in order of poverty (from highest poverty to lowest poverty), and then serve – that is, give Title I money to – schools in that rank order.¹³ If secondary schools appear “less poor” than their elementary counterparts, they typically will receive less Title I money. To address this under-reporting of poverty issue, ESSA gives LEAs two new options. The first is the option to serve *high schools* with 50% poverty or more, before serving certain higher poverty elementary and middle schools.¹⁴

The second is to measure poverty in *secondary schools* (as defined by state law) based on the poverty levels of the elementary schools that feed into them. A majority of secondary schools must approve this option.¹⁵

⁸ ESSA, Section 1115(b)(2)(A).

⁹ ESSA, Section 8101(52).

¹⁰ ESSA, Section 8101(47).

¹¹ ESSA, Section 1115(b)(2)(D). See also U.S. Department of Education, *Letter to Chief State School Officers on Federal Programs and Support for School Counselors* (2014), available at <https://www2.ed.gov/policy/elsec/guid/secletter/140630.html>.

¹² This section is excerpted in part from the Council of Chief State School Officer’s *Decision Guide for ESSA Implementation: State Considerations for Effective Grant Programs* (2016), available at <http://www.ccsso.org/Documents/2016/ESSA/CCSSODecisionGuideForESSAImplementation.pdf>.

¹³ Schools with at least 35% poverty are *eligible* for Title I, but that does not necessarily mean they will *receive* Title I funds. LEAs can choose how much to distribute to eligible schools (as long as higher poverty schools receive a larger per-pupil allocation than lower poverty schools). Some LEAs choose to concentrate Title I funds in the poorest schools, while others distribute funds more broadly.

¹⁴ Section 1113(a)(3)(B). For more information about this option, see U.S. Department of Education, *Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA)* (2016), available at <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf> [hereinafter referred to as *ED 2016 Equitable Services and Fiscal Guidance*]. Specifically, Q&A E-1 states:

An LEA must rank its schools above the 75 percent poverty threshold without regard to grade span and serve those schools in rank order of poverty before it serves any schools at or below the 75 percent poverty threshold. Under the new ESEA exception, an LEA may, but is not required to, continue to serve (in rank order of poverty) high schools with poverty percentages between 50 percent and 75 percent before it either serves other schools with a poverty percentage of 75 percent or below or begins to rank and serve schools by grade span. In other words, an LEA may serve high schools with 50 percent or more poverty before it serves any elementary or middle schools with a poverty percentage at or below 75 percent.

¹⁵ Section 1113(a)(5). Using feeder patterns to measure poverty was previously permitted by the U.S. Department of Education in its non-regulatory guidance, but the Department did not require the LEA to conduct outreach to secondary schools, and for a majority of secondary schools to approve the measure’s use which is now required under the ESSA law. For more information, please see *ED 2016 Equitable Services and Fiscal Guidance*, Q&A E-2.

Title I, Part A Spending Scenarios

Scenario 1: Guidance Counseling to Meet an Identified Need in a Schoolwide Program

A Title I high school operating a schoolwide program conducted a comprehensive needs assessment that revealed both a lack of student engagement and a lack of college and career readiness. To address this, the school used Title I funds to create a comprehensive career counseling program. The goal of the program was to help students develop career goals, as well as to help students identify the appropriate courses to take based on their goals, which in turn boosted their engagement.

The school's program included:

- Advising students and parents on the available high school courses and academic curriculum,
- Developing career portfolios, which included test and grades results, examples of student work, and resumes and cover letters to prospective employers,
- Arranging job shadowing, work placements, and community-based learning programs to allow students to directly experience workplace situations,
- Sponsoring workshops, classes, focus groups, and special presentations that focus on job skills and personal development, and
- Providing specialized counseling and intervention services to provide students with individualized attention where needed. These, and other career guidance and career counseling activities, are discussed more here:

<https://www2.ed.gov/about/offices/list/ovae/pi/cte/guidcoun2.html?exp=2>

https://www.acf.hhs.gov/sites/default/files/ofa/ed_hhs_dol_coll_letter_508_no_signature.pdf

While these resources are not specific to Title I, a Title I school operating a schoolwide program could use Title I funds to support activities like these if consistent with the school's needs and schoolwide plan.

Scenario 2: Summer Career Camp for Title I Students

An LEA wanted to boost the career readiness of its lowest-performing students. The LEA used Title I funds to support a one-week "career camp" over the summer for Title I participating students in 6th, 7th and 8th grades. Eligible students could choose from among several programs to get hands on learning experiences in, and information about, high-skill and high-wage occupations.

C. Title IV, Part A

Title IV, Part A, which includes the Student Support and Academic Enrichment (SSAE) grant program, provides supplemental funding to help students access a well-rounded education, improve school conditions, and improve the use of technology.

LEAs can use SSAE funds for college and career guidance and counseling programs as part of supporting well-rounded educational activities.¹⁶ This can include:

- Postsecondary education and career awareness and exploration activities,
- Training counselors to effectively use labor market information in assisting students with postsecondary education and career planning, and
- Financial literacy and federal financial aid awareness activities.¹⁷

¹⁶ ESSA, Section 4107(a)(3)(A).

¹⁷ ESSA, Section 4107(a)(3)(A).

There are a few things to keep in mind about Title IV, Part A spending, however.

First, LEAs that receive \$30,000 or more in SSAE funds must conduct a comprehensive needs assessment and spend their funds consistent with the results.¹⁸

Second, LEAs must prioritize SSAE funds to schools that:

- Have the greatest needs as determined by the LEA,
- Have the highest percentages or numbers of low-income children,
- Are identified for comprehensive support and improvement under Title I,
- Are implementing targeted support and improvement plans under Title I, or
- Are identified as a persistently dangerous school under Section 8532.¹⁹

Third, LEAs that receive \$30,000 or more in SSAE funds must spend:

- At least 20% on activities to support a well-rounded education,
- At least 20% to activities to support safe and healthy students, and
- At least some funds for activities to support the effective use of technology.²⁰

LEAs that receive *less* than \$30,000 in SSAE funds must meet at least one of the above requirements (that is, spend at least 20% on activities to support a well-rounded education or at least 20% on activities to support safe and healthy students or at least some funds for activities to support the effective use of technology).²¹

Last, LEAs must meaningfully consult with a wide array of stakeholders when designing their SSAE programs.²²

Title IV, Part A Spending Scenario

Scenario: Creating Career Ladder Charts for Students

An LEA received a small amount of Title IV, Part A funds. After considering its various needs, the LEA decided to enhance its existing career counseling efforts by paying stipends to staff to develop career ladder charts that showed career options within various high-demand sectors.

See, for example, the resources developed by Shasta County Twenty-First Century Career Connections at <https://www.shastacareerconnections.net/index.php/downloads-sp-283578082/category/4-uncategorized>.

D. IDEA, Part B

¹⁸ ESSA, Section 4106(d). LEAs that receive less than \$30,000 in SSAE funds do not have to conduct a formal needs assessment, but are encouraged to consider their needs when deciding how to spend SSAE funds.

¹⁹ Section 4106(e)(2)(A). ESSA requires LEAs to prioritize the distribution of funds to high-need schools. Please also see U.S. Department of Education, *Non-Regulatory Guidance: Student Support and Academic Enrichment Grants* (2016), pp.31-32, [hereinafter referred to as *ED 2016 SSAE Guidance*], available at <http://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf> (clarifying that an LEA can provide district-wide services with SSAE funds, but must prioritize activities for high-need schools).

²⁰ Section 4106(e)(2)(C)-(E).

²¹ Section 4106(f).

²² Stakeholders include parents, teachers, principals, other school leaders, specialized instructional support personnel, students, community-based organizations, local government representatives (which may include a local law enforcement agency, local juvenile court, local child welfare agency, or local public housing agency), Indian tribes or tribal organizations that may be located in the region served by the local educational agency (where applicable), charter school teachers, principals, and other school leaders (if such agency or consortium of such agencies supports charter schools), and others with relevant and demonstrated expertise in programs and activities designed to meet SSAE purposes. Section 4106(c)(1).

IDEA, Part B provides supplemental funding to LEAs to help pay the excess cost of providing a free appropriate public education to children with disabilities, which can include career counseling and guidance as part of “transition services” to students beginning at age 16 (or younger if determined appropriate by the IEP team).²³

Transition services are defined as a coordinated set of activities, designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.²⁴ Transition services are based on the child's needs, taking into account the child's strengths, preferences, and interests; and includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.²⁵

LEAs may use IDEA, Part B funds to provide career guidance and career counseling as part of its transition services, provided they meet two fiscal tests known as maintenance of effort and excess cost. Assuming those tests are met, LEAs can spend IDEA, Part B funds on:

- Hiring transition personnel who possess the knowledge and skills to work with teachers, businesses, employers, community colleges, technical schools, and IHEs to create an effective interagency transition system for students with disabilities that fosters interagency coordination between the school, the community, and the post-school adult service system,
- Purchasing transition-curriculum and career assessment, exploration, and development tools for students with disabilities,
- Providing technical assistance and professional development to enhance the knowledge and skills of special educators regarding transition strategies, including how to effectively use transition-curriculum and career assessment, exploration, and development tools,
- Employing staff to provide technical assistance and professional development to enhance the knowledge and skills of special educators regarding transition strategies, including how to effectively use transition-curriculum and career assessment, exploration, and development tools, and
- Hiring consultants to integrate data regarding the provision of transition services to students with disabilities into other data collection systems to better support and track student outcomes.²⁶

²³ 34 CFR § 300.320(b).

²⁴ 34 CFR § 300.43(a)(1).

²⁵ 34 CFR § 300.43(a)(2).

²⁶ U.S. Department of Education, *American Recovery and Reinvestment Act of 2009: Using ARRA Funds Provided Through Part B of the Individuals with Disabilities Education Act (IDEA) to Drive School Reform and Improvement* (2009), pp. 31-32, available at <https://www2.ed.gov/policy/gen/leg/recovery/guidance/idea-b-reform.pdf>. Although this guidance was developed to support SEAs and LEAs in spending the additional IDEA, Part B funds appropriated through the American Recovery and Reinvestment Act (ARRA), it applies to regular IDEA, Part B funds as well.

IDEA, Part B Spending Scenario

Scenario: Supporting Closer Coordination between School Counselors and Special Education Teachers

An LEA's performance data showed its students with disabilities enrolled in higher education/obtained competitive employment at low rates (Indicator 14). To address this, the LEA decided to make its transition services more effective by fostering closer coordination between its school counselors and special education teachers.²⁷ The LEA used IDEA funds to:

- Provide stipends to school counselors and special education teachers for monthly after-school meetings to discuss transition strategies, best practices, emerging issues, student needs, etc.
- Provided stipends to school counselors to lead professional development workshops for special education teachers on career options and job market data, and
- Provide joint professional development to school counselors and special education teachers on understanding the results of psychometric and vocational assessments to better support students with disabilities with post-high school transitions.

E. Carl D. Perkins

Perkins, specifically Title I of the Carl D. Perkins Career and Technical Education Act, provides supplemental resources to support career and technical education (CTE).

LEAs may use Perkins funds to provide career guidance and academic counseling for students participating in CTE programs that improves graduation rates and provides information on postsecondary and career options for secondary school students.²⁸ This can include activities to provide occupational and employment information consistent with Section 118 of the Perkins Act.²⁹

²⁷ For more information about the role school counselors might play in providing career counseling and career guidance to students with disabilities please see La Tonya L. Gillis, *Effective Transition Services for Students With Disabilities: Examining the Roles of Building Principals and School Counselors* (2006), available at <http://files.eric.ed.gov/fulltext/EJ901161.pdf> and Jennifer Geddes Hall, *The School Counselor and Special Education: Aligning Training With Practice*, available at <http://tpcjournals.nbcc.org/the-school-counselor-and-special-education-aligning-training-with-practice/>. See also U.S. Department of Education, *The Guidance Counselor's Role in Ensuring Equal Educational Opportunity* (1991), available at <https://www2.ed.gov/about/offices/list/ocr/docs/hq43ef.html>.

²⁸ Perkins, Section 135(c)(2).

²⁹ Perkins, Section 135(c)(2). See also U.S. Department of Education, *Questions and Answers Regarding the Implementation of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV)* (2016), Q&A G-1, available at https://s3.amazonaws.com/PCRN/docs/Compiled_List_of_QAs-8-8-16.docx. This guidance is referred to as "ED 2016 Perkins IV Guidance" for the rest of this document.

Carl D. Perkins Spending Scenarios

Scenario 1: Small Group Support to Focus on College and Career Goals

While each public high school in an LEA developed an academic plan for each student that identified college and career goals, the LEA used Perkins funds to provide more intensive career counseling to students participating in CTE programs. The LEA assigned small groups of students to work with teacher advisors who met with the students for at least one hour a month. During the meetings the advisors would talk to students about their goals, identify the course pathways suited to those goals, and reviewed student progress. School counselors provided support to the teacher advisors – including training, support on engaging students meaningfully, and providing relevant materials.

Scenario 2: Career Exploration and Aptitude Assessment Tools

To help students identify career goals, an LEA used Perkins funds to:

- Develop a website for CTE students with links to free career assessment tools and information about state and local job markets,
- Purchase licenses to more robust career assessment tools for CTE students.

F. Supplement not Supplant

Supplement not supplant (SNS) is a rule that applies to all of the grants discussed in this document. In general, SNS is designed to ensure that federal funds provide extra support beyond what LEAs would otherwise spend on education with state and local funds. Compliance with SNS is tested differently in different federal programs, however. Understanding these differences is important for understanding what activities can, and cannot, be supported by each grant.

1. SNS in Title I, Part A

The Every Student Succeeds Act (ESSA) changes the supplement not supplant rules for Title I.

Supplement not supplant has typically been tested by applying three “presumptions” to each Title I cost. Supplanting was presumed if the LEA used Title I:

1. To pay for something the LEA was required to do under federal, state or local law,
2. To pay for something the LEA supported with state or local funds last year, or
3. To pay for something for Title I students if the LEA supported the same cost with state and local funds for non-Title I students.

Under ESSA, these three presumptions no longer apply and compliance will no longer be tested by looking at individual Title I costs.

Instead, LEAs must demonstrate that the methodology they use to allocate state and local funds to schools provides each Title I school with all of the state and local money it would receive if it did not participate in the Title I program.

This new test should expand Title I’s spending options; though costs must still be consistent with the purpose of Title I – that is improving student achievement – and must still support eligible students among other requirements.

2. SNS in Title IV, Part A (SSAE)

In the SSAE program supplanting is presumed when:

- An LEA uses SSAE funds to pay for an activity that is required by federal, state or local law, or

- An LEA uses SSAE funds to pay for an activity it supported with state or local funds the prior year.³⁰

ESSA's change to the way supplement not supplant is tested in Title I does not affect SSAE.

An LEA may be able to overcome a presumption of supplanting if it has written documentation (for example, state or local legislative action, budget information, or other materials) that it does not have the funds necessary to implement the activity and the activity would not be carried out without SSAE support.

3. SNS in IDEA, Part B

An LEA complies with IDEA, Part B SNS requirements if it meets its maintenance of effort obligations.³¹ LEA compliance is not evaluated by looking at individual costs supported with IDEA, Part B funds or by applying any presumptions.³²

4. SNS in Perkins

In the Perkins program supplanting is presumed when:

- An LEA uses Perkins funds to pay for an activity that is required by federal, state or local law,
- An LEA uses Perkins funds to pay for an activity it supported with state or local funds the prior year,
- An LEA uses Perkins funds to pay for an activity for CTE students when the LEA uses state or local funds to pay for the same activity for non-CTE students.³³

An LEA may be able to overcome a presumption of supplanting if it has written documentation (for example, state or local legislative action, budget information, or other materials) that it does not have the funds necessary to implement the activity and the activity would not be carried out without Perkins support.

³⁰ See, for example, U.S. Department of Education, *Non-Regulatory Guidance Student Support and Academic Enrichment Grants* (2016), p. 14 Key Question 5, available at <https://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>. This guidance is referred to as "*ED 2016 SSAE Guidance*" for the rest of this document.

³¹ U.S. Department of Education, *Non-Regulatory Guidance on Funds for Part B of the Individuals with Disabilities Education Act Made Available Under The American Recovery and Reinvestment Act of 2009* (2010), Q&A C-6, available at <https://www2.ed.gov/policy/gen/leg/recovery/guidance/idea-b-revised-910.pdf>. This guidance is referred to as "*ED 2010 IDEA ARRA Technical Guidance*" for the rest of this document.

³² *ED 2010 IDEA ARRA Technical Guidance* at p. 13 footnote 1.

³³ See *ED 2016 Perkins IV Guidance* at Q&A D-22.