MEMORANDUM

TO: Interested Parties
FROM: Penn Hill Group
DATE: October 25, 2016
SUBJECT: Non-Regulatory Guidance: Student Support and Academic Enrichment Grants

On October 21, 2016, the U.S. Department of Education (ED) released non-regulatory guidance for Title IV, Part A, the Student Support and Academic Enrichment (SSAE) Program of the Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA).

The SSAE program is intended to increase the capacity of State educational agencies (SEAs), local educational agencies (LEAs), schools, and local communities to: (1) provide all students with access to a well-rounded education, (2) improve school conditions for student learning, and (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students.

In this guidance document, ED provides key information on and interpretations of the provisions of the new SSAE program, as well as examples of innovative activities that could be implemented consistent with the statute. The guidance notes that SSAE funds alone may not be sufficient to independently support all of the innovative activities authorized under the program and therefore outlines ways to leverage other State and local resources in combination with the SSAE grant funds. Finally, the Appendix includes an overview of resources, tools, and additional innovative strategies to support effective implementation of the SSAE program to improve outcomes for all students.

Key Points

- Overall, the guidance reflects authorized uses of funds consistent with the statute, including:
  - Activities to support computer science activities as part of science, technology, engineering and mathematics (STEM) programming under well-rounded educational opportunities and activities to support the effective use of technology;
  - Paying for AP and IB test fees, consistent with the special rule under 4107(b) of ESEA, for both the 2016-2017 and 2017-2018 school years; and
  - Examples of these and other authorized activities under the Appendix.

- Clarifies that LEAs are not required to fund each school in the district under the program, but they must prioritize services for schools in the district consistent with the statute.

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1 The guidance notes that ED does not mandate or prescribe practices, models, or other activities in this non-regulatory guidance document. The guidance contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. According to ED, this information, informed by research and gathered in part from practitioners, is provided for the reader’s convenience and is included here to offer examples of the many resources that educators, parents, advocates, administrators, and other concerned parties may find helpful and use at their discretion.
• Clarifies that LEAs can implement district-wide activities under the program, as long as the district focuses services on schools with the greatest need.

• Encourages consultation and collaboration in the development of SSAE programming through strong engagement with the business community, health providers, police, social workers, librarians, technology experts, service providers, faith-based community leaders, and other key stakeholders, as appropriate.

• **Budget Note** – While ESEA has been reauthorized, appropriations to support the updated law for FY2017 have not been completed. The SSAE program is authorized at $1.65 billion for FY2017 under ESEA, while the Administration requested $500 million, the Senate appropriations bill includes $300 million and the House appropriations bill includes $1 billion. Funds under the SSAE program will be available for the 2017-2018 school year.

**GENERAL PROVISIONS**

**Leveraging Federal, State and Local Resources** – To maximize SSAE activities the guidance notes that, SEAs, LEAs, and schools may partner with organizations such as nonprofits, institutions of higher education (IHEs), museums, and community organizations to offer programs and services to students.

• The guidance notes that SEAs must review existing resources and programs across the State and coordinate the SSAE program with existing resources and also encourages LEAs to consider applying for funds in consortium so as to implement programs across districts and more efficiently deliver services through economies of scale.

**Supplement not Supplant Requirement** – The guidance notes that SEAs and LEAs should be mindful that SSAE program funds may be used only to supplement, and not supplant, non-Federal funds that would otherwise be available for activities authorized under the SSAE program.

**Federal Civil Rights Requirements** – The guidance clearly states that SSAE grant recipients must comply with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age.

• The guidance also points out that the General Education Provisions Act requires SSAE applicants to include a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally assisted program for students, teachers, and other program beneficiaries with special needs.

**ROLE OF THE STATE EDUCATIONAL AGENCY** – ED allocates SSAE program funds to States by formula based on each State’s share of funds under Title I, Part A of ESEA. An SEA must use at least 95 percent of its SSAE program allocation for subgrants to LEAs and may not use more than 1 percent of funds for administrative costs. SEAs award SSAE subgrants to LEAs by formula in the same proportion as the LEAs’ prior-year’s Title I, Part A allocations and may use any

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2 This means that an SEA or LEA may not use SSAE program funds to carry out activities that would otherwise be paid for with State or local funds. In determining whether a particular use of funds would violate the non-supplanting requirement, SEAs and LEAs should consider matters such as whether the cost involved is currently paid for using State or local funds or whether the cost involved is for an activity that is required by State or local law. In no event may an SEA or LEA decrease the amount of State or local funds used to pay the cost of an activity simply because of the availability of the SSAE program funds.
remaining funds to support LEA activities and programs designed to meet the purposes of the program.

SEAs are also responsible for developing the application that LEAs must submit to receive their funds from the State. In addition to application requirements under the statute, the guidance notes that SEAs may wish to consider how local applications for funding may promote strategies to maximize the impact of the SSAE program funds and advance the State’s goals related to implementation of ESEA.

**Key Questions** – ED provides FAQ throughout the document to help provide additional information on SSAE provisions. Summaries of ED’s answers to the FAQ are provided below.

(1) How should an SEA determine if an activity included in a local application is an allowable use of funds under the SSAE program?

*Generally, according to the guidance, an SEA should first consider whether a proposed activity is consistent with the purposes of the three content areas in the SSAE program (well-rounded education, safe and healthy students, or the effective use of technology). Then the SEA should make further determinations as to allowability of costs in accordance with the cost principles in the Federal Government’s Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). Finally, an SEA should consider whether the proposed use of funds for the activity is supplemental and would not supplant other State or local funds that would otherwise be used for the activity in the absence of the SSAE program funds.* [See page 10 of the guidance]

(2) What is the SEA required to do if the amount of SSAE program funds reserved for LEA allocations is insufficient to make allocations to LEAs equal to the minimum amount of $10,000?

*If the SEA does not have sufficient funds to make allocations to any of its LEAs in an amount equal to the minimum of $10,000, it must ratably reduce the allocations to other LEAs, as required by section 4105(b) of ESEA.* [See page 10 of the guidance]

**ROLE OF THE LOCAL EDUCATIONAL AGENCY** – LEAs are required to submit an application to the SEA to receive their SSAE program allocation. During the design and development of its application, an LEA or consortium of LEAs must engage in consultation with stakeholders in the area served by the LEA, including parents, teachers and school leaders (including charter school teachers and leaders when applicable), specialized instructional support personnel and other stakeholders consistent with the statute.

- An LEA or consortium of LEAs must continue to consult with the stakeholders identified in the statute to improve the activities it conducts and coordinate implementation with other related activities in the community.
- The guidance also notes that LEAs must also consult with private school officials to identify the needs of eligible private school students and teachers consistent with the statute, but explains that this process is different from the consultation related to the development of an LEA application.

An LEA receiving a grant (of at least $30,000) must conduct a comprehensive needs assessment prior to receiving its allocation, and subsequent needs assessments (at least once every three years) to examine its needs for the improvement of:

- Access to, and opportunities for, a well-rounded education for all students;
- School conditions for student learning to create a healthy and safe school environment; and
• Access to personalized learning experiences supported by technology and professional development for the effective use of data and technology.

LEA applications must describe the activities the LEA proposes to implement, which must include (as applicable):
• Descriptions of any partnership with an IHE, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success;
• Descriptions of how funds will be used for activities in the three content areas;
• Program objectives and intended outcomes; and
• Proposed uses of funds for administrative costs.

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<tr>
<th>LEA or Consortium of LEAs Assurances</th>
<th>For an LEA or consortium that receives $30,000 or more, use:</th>
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<tr>
<td>An LEA or consortium of LEAs must assure in its application that it will:</td>
<td>• Not less than 20 percent to support activities support well-rounded educational opportunities</td>
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<td>Prioritize the distribution of funds to schools served by the LEA based on one or more of the following criteria:</td>
<td>• Not less than 20 percent of funds to support safe and healthy students; and</td>
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<td>• Are among the schools with the greatest needs;</td>
<td>• A portion of funds to support the effective use of technology, including an assurance that it will not use more than 15 percent of the remaining portion for purchasing technology infrastructure.</td>
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<td>• Have the highest percentages or numbers of children counted for purposes of basic grants to LEAs under Title I, Part A of ESEA;</td>
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<td>• Are identified for comprehensive support and improvement under;</td>
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<td>• Are implementing targeted support and improvement plans; or</td>
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<td>• Are identified as a persistently dangerous public elementary school or secondary school.</td>
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In addition, local applicants must comply with equitable participation of private school children and teachers requirements and complete an annual State report regarding how funds for the SSAE program are being used.

Key Questions – Summaries of ED’s answers to the FAQ are provided below

(1) May an LEA use a single activity to address more than one of the application assurances regarding use of funds in the three SSAE program content areas?

There may be certain activities an LEA wishes to fund that could fit into more than one of the SSAE program content areas (well-rounded education, safe and healthy students, or the effective use of technology) and could be used to address the application assurances regarding use of funds in each area. In such cases, the LEA should explain in its application how the activity fits in more than one content area. The SEA will ultimately approve or disapprove the activity through its application approval process consistent with relevant statutory requirements. [See page 13 of the guidance]

(2) What other stakeholders should an LEA consider consulting with as it develops its application?

In addition to the stakeholders required as part of the local application, the guidance notes that an LEA “should consider” involving members from the business community, health providers, police, social workers, librarians, technology experts, service providers, faith-based community leaders, and other key stakeholders, as appropriate. [See page 13 of the guidance]
(3) If LEAs apply for funds as a consortium, how is the consortium’s funding determined?

Section 4105(a)(1) requires that the State make allocations to its LEAs based on each LEA’s share of funds under Title I, Part A of ESEA, and section 4105(a)(3) provides that LEAs may form consortia and combine the allocation that each LEA in the consortium receives to jointly carry out allowable activities. [See page 14 of the guidance]

(4) Is an individual LEA that receives an allocation of less than $30,000 of SSAE program funds required to use a certain percentage of funds for each of the three content areas?

No. Section 4106(f) allows an individual LEA receiving an allocation of less than $30,000 to use funds for only one (or more) of the three content areas in the SSAE program. [See page 14 of the guidance]

(5) What does supplement, not supplant mean in the context of the SSAE program?

An SEA or LEA may not use SSAE program funds to carry out activities that would otherwise be paid for with State or local funds. In determining whether a particular use of funds would violate the non-supplanting requirement, SEAs and LEAs should consider matters such as whether the cost involved is currently paid for using State or local funds or whether the cost involved is for an activity that is required by State or local law. [See page 14 of the guidance]

(6) Must an LEA distribute SSAE program funds to each of its schools?

No. An LEA is not required to distribute SSAE program funds to each of its schools. Consistent with section 4106(e)(2)(A), an LEA must prioritize the distribution of funds to schools and must implement the SSAE program consistent with all relevant statutory requirements. Note that in prioritizing the distribution of funds, an LEA that provides district-wide services with the SSAE program funds must focus those services on schools with the greatest need. [See page 14 of the guidance]

Note: There are two key points made here in the guidance. First, LEAs are not required to fund each school in the district, but they must prioritize services for schools in the district consistent with the statute. Second, the guidance makes clear that LEAs may implement district-wide activities under the program, so long as the district focuses services on schools with the greatest need.

(7) Do the application assurances regarding use of funds in each of the three main content areas apply to the schools to which an LEA distributes funds?

No. The application assurances regarding use of funds in the three SSAE program content areas apply at the LEA level. These assurances serve to establish minimum expenditure requirements that an LEA must meet with respect to its entire allocation. In meeting these requirements, an LEA has flexibility in determining the amount of funds to distribute to a school and the activities to carry out in that school, provided its determinations are consistent with its needs assessment and school prioritization. [See page 15 of the guidance]

(8) In the case of a consortium of LEAs, do the application assurances regarding use of funds in the three content areas apply to the consortium as a whole or to each member LEA?
The application assurances regarding use of funds apply to the consortium as a whole; i.e., each LEA in a consortium is not required to meet the expenditure requirements individually so long as the consortium as a whole does meet them. [See page 15 of the guidance]

IMPLEMENTING EFFECTIVE SS AE PROGRAM ACTIVITIES – While LEAs must comply with local application requirements under the law, they also have substantial flexibility in how they utilize funds to provide students access to a well-rounded education, improve school conditions for student learning, and utilize educational technology. In addition to the required needs assessment, the guidance encourages education leaders to consider taking further steps to improve the overall effectiveness of the program.

Identifying Local Needs – The needs assessment must be comprehensive and examine areas for improvement related to students’ access to well-rounded educational opportunities, learning conditions that cultivate a safe and healthy environment for students, and effective use of technology.

Questions ED encourages LEAs to consider:
- Which stakeholders can help identify local needs and/or root causes? How can they be engaged early and in a meaningfully way throughout the process?
- What data are needed to best understand local needs?
- Do our current systems fully capture the needs of our hardest to serve students?
- Are there inequities inherent in the system that are driving some of the local needs?
- How should the identified needs be prioritized when several significant needs are identified?

Select Relevant, Evidence-Based Activities – Once the needs have been identified, LEAs should, according to the guidance, select relevant evidence-based activities, when evidence is available, that will have the likelihood of working in the local context.

Questions ED encourages LEAs to consider:
- Are there any evidence-based activities that would address the identified needs?
- Are there identified interventions supported by strong or moderate evidence, as defined in ESEA, that would address the identified needs of the student population being served?
- How does the local context, including the district’s larger strategic goals and improvement plans, influence which activity may be best suited for the district and/or the school?
- Does the district have the capacity to implement this activity or intervention? If not, would additional staff development help, or should an alternative activity be considered?
- Does the potential outcome of an activity or intervention justify its costs, or are there other activities that would be a more cost-effective way to address identified needs?
- How will the selected activity be sustained over time?

Plan for Implementation – An implementation plan, developed with input from stakeholders, sets up LEAs and schools for successful implementation (see here for an example of an ED-funded implementation planning and monitoring tool). According to ED, such plans typically include the following components:
- A logic model, which demonstrates a theory of action by visually connecting the activity to expected outcomes that are stated as well-defined and measurable goals and clarifies how the activity will work;
- Well-defined, measurable goals with implementation timelines for successful execution;
- Clearly outlined roles and responsibilities for people involved;
- Identified resources required to support the activity;
• A process to monitor implementation, as well as to collect information on how the activity is working; and
• An outreach strategy to regularly engage stakeholders.

Implement Activities – The guidance notes that effective implementation is essential to achieving identified goals.

Questions ED encourages LEAs to consider:
• Is the implementation plan being followed as designed? If not, why not?
• What mid-course adjustments could be made to improve implementation?
• Is there stakeholder feedback that could be used to inform such adjustments?
• Do resources need to be realigned or timelines adjusted?
• What are barriers to successful implementation?
• Who needs to be involved in order to make changes that result in removal of these barriers?

Examine and Reflect – The guidance notes that, according to ED, the final step for improving effective implementation is to examine how the activity is working and then use that information to make decisions about mid-course correction, steps for continuous improvement, and next steps.

Questions ED encourages LEAs to consider:
• What are reasonable expectations of success at the beginning, middle, and end of an activity or intervention, and how should success be measured?
• Are performance data sufficient or is there a need to assess the effectiveness of the activity with a rigorous evaluation? If so, are there resources to support a rigorous evaluation?
• What interim progress and/or performance data should be collected?
• What does the information collected suggest about ways to improve the activity and/or to improve future activities and investments?

Key Questions – Summaries of ED’s answers to the FAQ are provided below.

(1) What tools and data may be available for an LEA to use in its comprehensive needs assessment and to help in choosing evidence-based programs and practices?

While ED does not endorse any specific tools, the Appendix (see below) includes a list of resources and examples that LEAs may find helpful in conducting a needs assessment and in choosing programs and practices. [See page 18 of the guidance]

(2) What if no evidence of effectiveness is available for an activity to address an identified need?

If there is no evidence of effectiveness for an activity to address an identified need, ED believes that an LEA should use a logic model to demonstrate a rationale for why an activity is expected to address the need in the LEA’s specific context. The logic model should, according to ED, use prior research or data from performance monitoring to provide support that the activity is likely to improve the relevant outcome(s). [See page 18 of the guidance]

ALLOWABLE ACTIVITIES – Generally, LEAs may use funds for a wide variety of activities within each content area, including, but not limited to, direct services for students, professional development for teachers and administrators, salaries of personnel to carry out identified programs and services, and supplemental educational resources and equipment.
Activities to Support Well-Rounded Educational Opportunities – Consistent with the statute, an LEA may use funds for programs and activities that:

- Improve instruction and student engagement in STEM subjects, including computer science;
- Use music and the arts as tools to support student success;
- Support instruction in foreign languages;
- Raise student academic achievement through accelerated learning programs, including by reimbursing low-income students to cover all or part of the costs of AP or IB examinations (see question 1 below on special rule), and increasing the availability of, and enrollment in accelerated learning programs;
- Redesign high schools in support of strategies designed to increase high school graduation rates and college-entrance rates;
- Promote the development, implementation, and strengthening of instructional programs in civics;
- Support college and career counseling programs and services;
- Support social emotional learning, including interventions that build resilience, self-control, empathy, persistence, and other social and behavioral skills; and
- Support environmental education.

Activities to Support Safe and Healthy Students – Consistent with the statute, an LEA may use funds for programs and activities that:

- Are coordinated with other schools and community-based services and programs;
- Foster safe, healthy, supportive, and drug-free environments that support student academic achievement;
- Promote the involvement of parents in the activity or program;
- May be conducted in partnership with an IHE, business, nonprofit organization, community-based organization, or other public or private entity with a demonstrated record of success; and
- May combine a variety of authorized uses of funds.

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Cross Cutting Authorized Topics: Mentoring and School Counseling; Schoolwide Positive Behavioral Interventions; and Pay for Success Initiatives aligned with the purposes of Title IV.
Activities to Support the Effective Use of Technology – Consistent with the statute, authorized activities\(^3\) include:

- Providing personalized learning to optimize instructional approaches for the needs of each learner;
- Discovering, adapting and sharing high-quality resources, including openly-licensed education resources;
- Implementing blended learning strategies; and
- Implementing school- and district-wide approaches to inform instruction, support teacher collaboration, and personalize learning, including the creation of learning communities composed of students, fellow educators, museums, libraries, after-school programs, community based organizations and other stakeholders.

The guidance also notes that SSAE funds can be used to develop or implement specialized or rigorous academic courses using technology, including assistive technology; to support professional learning for STEM, including computer science; and to make assistive technology available to students with disabilities.

Key Questions for Activities to Support Well Rounded Education, Safe and Healthy Schools and the Effective Use of Educational Technology – Summaries of ED’s answers to the FAQ are provided below.

(1) May an LEA use funds to pay for accelerated learning examinations taken by low-income students during the 2016-2017 school year?

*Yes. Under the special rule in section 4107(b) of ESEA, an LEA may use FY2017 funds to cover part or all of the fees for AP, IB, or other accelerated learning examinations taken by low-income students in both the 2016-2017 school year and 2017-2018 school year.*

*Consistent with section 4104(b)(3)(A)(ii) [authorized use of funds for reimbursing low-income students to cover part or all of the cost of accelerated learning examination fees], a State may also use funds not reserved for LEA subgrants or State administrative costs to reimburse the costs of accelerated learning examinations for low-income students. Under the special rule in section 4104(c), a State may similarly use funds to pay for accelerated learning examinations taken by low-income students in the 2016-2017 school year. [See page 36 of the guidance]*

**Note:** The guidance describes the special rule under section 4107(b), which allows FY2017 funds to be used to cover the costs of AP and IB assessments taken in both the 2016-2017 and 2017-2018 school years.

(2) May the SSAE program funds be used to develop and implement emergency operations plans?

*Yes. Any activity that fosters safe, healthy, supportive, and drug-free environments that supports student academic achievement, including the development and implementation of an emergency operations plan, is allowable under section 4108. [See page 37 of the guidance]*

(3) Pay for Success initiatives are an allowable activity under the SSAE program. What is a Pay for Success initiative?

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\(^3\) A special rule in the SSAE program states that no more than 15 percent of funds for activities to support the effective use of technology may be used "for purchasing technology infrastructure."
Section 8101(40) defines “pay for success initiative” as a performance-based grant, contract, or cooperative agreement awarded by a public entity in which a commitment is made to pay for improved outcomes that result in social benefit and direct cost savings or cost avoidance to the public sector. Pay for Success initiatives may be particularly well-suited to interventions that improve the health and safety of students due to the cost savings often associated with improved outcomes. [See page 37 of the guidance]

(4) What is the scope and applicability of the Special Rule in section 4109(b)?

The guidance notes that at least 85 percent of the educational technology funds must be used to support professional learning to enable the effective use of educational technology. LEAs or consortiums of LEAs may not spend more than 15 percent of technology funding on devices, equipment, software applications, platforms, digital instructional resources and/or other one-time IT purchases. [See page 37 of the guidance]

Note: While the guidance states that “at least 85 percent of the educational technology funds must be used to support professional learning,” this provision seems inconsistent with section 4109(a) of ESEA, which authorizes grantees to use educational technology funds for:

- Developing or using effective or innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including digital learning technologies and assistive technology (Sec. 4109(a)(3));
- Carrying out blended learning projects, including planning activities, which may include development of new instructional models (Sec. 4109(a)(4)(A)); and
- Providing students in rural, remote, and underserved areas with the resources to take advantage of high-quality digital learning experiences, digital resources, and access to online courses taught by effective educators (Sec. 4109(a)(6)).

APPENDIX

RESOURCES AND TOOLS BY SUBJECT AREA

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