UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

SEP 1 3 2013

Dear State Directors:

As you know, many State educational agencies (SEAs) are moving forward with next-generation differentiated recognition, accountability and support systems that recognize student growth and school progress, align accountability determinations with support and capacity-building efforts, and provide for systemic, context-specific interventions that focus on the lowest-performing schools and schools with the largest achievement gaps. To support these reforms, it is more important than ever for local educational agencies (LEAs) and schools to leverage non-Federal and Federal funds as efficiently and effectively as possible.

The Federal resources available to SEAs and LEAs include funds provided under Part B of the Individuals with Disabilities Education Act (IDEA) and under Part A of Titles I and II of the Elementary and Secondary Education Act of 1965, as amended (ESEA). With respect to these programs, we are writing to highlight some ways that SEAs and LEAs can leverage the funds to support reforms, particularly in Title I schoolwide programs. Although SEAs report that more than 73 percent of Title I schools operate schoolwide programs and LEAs and schools generally already use some of the flexibilities available to schoolwide programs, in some instances these flexibilities are not being used to their full extent. LEAs and schools lose opportunities to fully leverage their resources when that occurs.

One reason for this may be uncertainty among some LEAs and schools about the full extent of flexibility available in a schoolwide program. To help address these uncertainties, we are sharing the enclosed document with you, which we originally provided earlier this year during a meeting with the Council of Chief State School Officers. Its purpose is to identify, at a high level, examples of how IDEA, Title I, and Title II funds may be used by SEAs and LEAs to support key areas of reform (College- and Career-Ready Standards and Assessments; State-Developed Differentiated Recognition, Accountability, and Support; Effective Instruction and Leadership; and Positive School Climate), with a particular emphasis on schoolwide programs.

We hope that this enclosure is useful to you, your staff, and LEAs and schools in your State. In using it, please note the "A Few Words of Caution" and "Selected Requirements to Keep in Mind" sections and that the enclosure is intended to be used with existing U.S. Department of Education guidance regarding IDEA, Title I, and Title II. If there are any questions, please let us know.

Sincerely,

Monique M. Chism, Ph.D.
Director
Student Achievement and
School Accountability Programs

Sylvia Lyles, Ph.D.
Director
Academic Improvement and Teacher
Quality Programs

Ruth E. Ryder
Deputy Director
Office of Special Education

Enclosure

Maximizing Flexibility in the Administration of Federal Grants

IDEA, Title I, Title II, and Non-Federal Funds in Schoolwide Programs

SELECTED FEDERAL PROGRAMS

- Individuals with Disabilities Education Act (IDEA): Supplemental Federal funds to ensure all children with disabilities have a free appropriate public education, in the least restrictive environment, with access to the general curriculum to improve results and outcomes for all children with disabilities.
- Title I, Part A (Title I) of the Elementary and Secondary Education Act of 1965 (ESEA): Supplemental Federal funds to ensure Title I students have fair, equal, and significant opportunities to obtain a high-quality education and improve their achievement.
- Title II, Part A (Title II) of the ESEA: Supplemental Federal funds to increase academic achievement by improving teacher and principal quality.
- IDEA, Title I, and Title II are distinct Federal programs with specific purposes.
- Program flexibilities contribute to opportunities for partnerships among State Educational Agencies (SEAs), Local Educational Agencies (LEAs), and schools.
- These flexibilities generally apply regardless of whether an SEA has received ESEA flexibility.

SCHOOLWIDE PROGRAMS

A schoolwide school:

- ✓ Represents a primary means to maximize flexibility in using Federal funds.
- ✓ Serves as a vehicle to whole-school reform.
- ✓ Allows for easier leveraging of non-Federal and Federal funds to work together to improve educational performance of the entire school.
- ✓ Addresses student needs through a schoolwide plan based on a comprehensive needs assessment.

A FEW WORDS OF CAUTION

- ✓ The examples below illustrate ways that Title I, Title II, and IDEA funds may be used by SEAs and LEAs to support key areas of reform in a schoolwide program.
- ✓ Because they are merely examples, however, they do not take into account the specific context in which these funds would be used at the State or local level.
- ✓ Note that the sources of funds listed in the examples below do not imply that other sources are not permissible in the proper context.

AREAS of REFORM

- ✓ College- and Career-Ready (CCR) Standards and Assessments
- ✓ State-Developed Differentiated Recognition, Accountability, and Support
- ✓ Effective Instruction and Leadership
- ✓ Positive School Climate

COLLEGE- and CAREER-READY STANDARDS and ASSESSMENTS

SEAs may:

- ✓ Develop standards and assessments for all students (Title I State administrative funds and Consolidated ESEA State administrative funds).
- ✓ Develop appropriate accommodations for children with disabilities and valid and reliable alternate assessments to assess the performance of children with disabilities (IDEA).
- ✓ Support capacity building activities and improve the delivery of services by LEAs to ensure access to CCR standards for children with disabilities in order to accelerate and improve outcomes (IDEA).
- ✓ Provide professional development to implement CCR standards and assessments (ESEA Section 6111 – State assessment funds and Title II).
- ✓ Provide professional development to support all teachers and leaders in learning core content and new instructional strategies to implement CCR standards (Title II).

LEAs may:

- ✓ Provide professional development to support all teachers and leaders in learning core content and new instructional strategies to implement CCR standards (Title II).
- ✓ Prepare low-achieving students to participate successfully in advanced coursework aligned with CCR standards (Title I).
- ✓ Provide intensive summer programs to low-achieving high school students to prepare them to take advanced classes (Title I).

STATE-DEVELOPED DIFFERENTIATED RECOGNITION, ACCOUNTABILITY, and SUPPORT

SEAs may:

- ✓ Provide technical assistance to low-performing schools and LEAs (Title I).
- ✓ Provide technical assistance to personnel, and direct services to children with disabilities, in schools and LEAs identified for improvement based solely on the low performance of students with disabilities, including relevant focus schools (IDEA).
- ✓ Use the school improvement reservation for their Statewide system of support and establish eligibility criteria to determine the schools that receive this support (Title I).

LEAs may:

- ✓ Consolidate funds in a schoolwide school to turn around low-performing schools (IDEA, Title I, and Title II).
- ✓ Encourage a schoolwide school, if funds are not consolidated, to use Title I funds on comprehensive reforms designed to improve the overall school, consistent with its needs as identified in the schoolwide plan, rather than just on specific services for individual low-achieving students (e.g., pull-out programs).
- ✓ Focus funds where the needs are greatest by:
  - Reserving funds for LEA support to low-performing schools (Title I).
  - Allocating more funds per low-income student to schools with higher poverty rates (Title I).
  - After allocating to schools above 75 percent poverty, deciding whether to allocate funds to elementary, middle, or high schools (Title I).

- ✓ Provide incentives and rewards to attract qualified and effective teachers to low-performing schools (Title I and Title II).
- ✓ Provide educators with professional development, and materials and supplies, to implement a schoolwide plan (Title I and Title II).

EFFECTIVE INSTRUCTION and LEADERSHIP

SEAs may:

- ✓ Train evaluators (Title II).
- ✓ Develop, or help LEAs develop, performance-based compensation systems that provide differential and bonus pay in high-need schools (Title II).
- ✓ Provide professional development to teachers and related services providers of students with disabilities (IDEA).
- ✓ Provide professional development to assist teachers in using educator evaluation data to improve instruction (Title II).

LEAs may:

- ✓ Provide professional development to teachers as part of carrying out a schoolwide plan (Title I and Title II).
- ✓ Develop and implement coordinated, early intervening services (CEIS) for non-identified students in need of additional academic or behavioral support, including professional development (IDEA).
- ✓ Recruit and retain effective and highly qualified teachers using differential pay (Title II).
- ✓ Provide monetary incentives associated with earning high educator effectiveness ratings (Title II).

SCHOOL CLIMATE

SEAs may: Use State-level activity funds for a Statewide initiative to assist LEAs in providing positive behavioral supports for students with disabilities (IDEA).

LEAs may:

- ✓ Permit a schoolwide program to implement activities to improve school climate, provided that climate-focused interventions are part of the schoolwide plan (Title I).
- ✓ Implement behavioral evaluations and interventions for non-identified students who need additional academic and behavioral support (IDEA/CEIS).

SELECTED REQUIREMENTS to KEEP in MIND

General Requirements

- ✓ Title I funds may not be used for activities for non-Title I students except when there is a specific authorization in the law. All students in a schoolwide program school are Title I students.
- ✓ Federal funds must supplement, and not supplant, non-Federal funds. Supplement not supplant applies differently in different programs; within Title I, it applies differently in a schoolwide vs. a targeted assistance school (IDEA, Title I, and Title II).
- ✓ Federal funds must support activities that are necessary and reasonable to accomplish the Federal program's purpose (IDEA, Title I, and Title II).

Title II Funds May Not Be Used To:

- ✓ Develop curriculum associated with implementing CCR standards.
- ✓ Provide subject-specific professional development in non-core areas.
- ✓ Simply raise educator awareness about a State-mandated evaluation system. For example, Title II funds may not be used to pay for public relations activities or other awareness-raising activities that do not have a professional development component.
- ✓ Purchase evaluation system-related data systems to manage linking student and teacher data.
- ✓ Purchasing equipment, such as iPads, for school and district administrators to use in evaluating teachers unless solely used for that purpose.
- ✓ Pay non-highly qualified teachers or pay highly qualified teachers hired for any purpose other than class-size reduction.

SCHOOLWIDE PROGRAM EXAMPLE

Depending on its needs, a schoolwide program school could:

Spend Title I funds to:

- ✓ Upgrade the curriculum for the entire school
- ✓ Implement an early warning system
- ✓ Extend the school day or school year
- ✓ Reorganize class schedules to increase teacher planning time
- ✓ Revamp the school's discipline process
- ✓ Hire additional teachers
- ✓ Reorganize classes to promote personalized learning
- ✓ Implement career academies
- ✓ Implement school safety programs

Spend Title II funds to:

- ✓ Train evaluators as part of a teacher and leader evaluation system
- ✓ Provide incentives to attract highly qualified and effective teachers to a low-performing school

Spend IDEA funds to:

- ✓ Provide professional development on CCR instructional strategies to teachers and related services providers of students with disabilities
- ✓ Implement positive behavioral interventions and supports schoolwide

U.S. DEPARTMENT OF EDUCATION CONTACTS

Title I:
Monique Chism, Director
Student Achievement and School Accountability, Office of Elementary and Secondary Education
monique.chism@ed.gov

Title II:
Carol O'Donnell, Group Leader
Teacher Quality Programs, Academic Improvement and Teacher Quality, Office of Elementary and Secondary Education
carol.odonnell@ed.gov

IDEA:
Gregg Corr, Director
Monitoring and State Improvement Planning Division, Office of Special Education and Rehabilitative Services
greg.corr@ed.gov