

SUPPORTING SCHOOL REFORM BY LEVERAGING FEDERAL FUNDS IN A SCHOOLWIDE PROGRAM



Non-Regulatory Guidance

September 2016

Aligning Title I and School Reform

Title I, Part A (Title I) of the Elementary and Secondary Education Act of 1965 (ESEA) supports reforms and innovations to improve educational opportunities for low achieving students. Title I is designed to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps. (ESEA section 1001). To this end, Title I helps State educational agencies (SEAs), local educational agencies (LEAs), and schools meet the educational needs of low-achieving students in schools with high concentrations of students from low-income families.

Over the past few years, SEAs and LEAs have initiated changes and innovations to increase the quality of instruction and improve academic achievement for all students. Nearly all SEAs have adopted college- and career-ready standards and have developed assessments aligned with those standards. SEAs and LEAs are also moving forward with improvements in such areas as teacher and leader evaluation and support systems, turning around low-performing schools, and expanding access to high-quality schools. Depending on the needs of each school, these reforms span a continuum from focusing on specific needs of historically underserved populations to implementing rigorous school intervention models designed to turn around a State's lowest-performing schools. Collectively, these reforms have resulted in significant progress: high school graduation rates and the number of students attending college are at all-time highs, while dropout rates are at historic lows.

For an LEA implementing these reforms and innovations, it is essential to use Federal education funds effectively and efficiently. Of the two types of Title I programs an LEA can operate — targeted assistance or schoolwide — only the latter permits the LEA to use Title I funds to support comprehensive schoolwide reforms. In a schoolwide program, an LEA may use Title I funds to implement reforms to upgrade the entire educational program of the school. In contrast, in a targeted assistance program, an LEA may use Title I funds only for Title I students — i.e., those who are failing, or most at risk of failing, to meet the State's academic achievement standards. (ESEA section 1111(b)(1)(A)).

On December 10, 2015, President Obama signed into law the bipartisan Every Student Succeeds Act (ESSA), which reauthorizes the ESEA. This new law builds upon the critical work SEAs and LEAs have undertaken in recent years, and includes provisions to expand that progress. The new law allows SEAs and LEAs the opportunity to broaden their definitions of educational excellence, while maintaining critical civil rights for all students. Additionally, the ESSA includes provisions designed to enable SEAs and LEAs to focus on providing students the diverse, integrated curriculum and learning experiences necessary for a well-rounded education.

Under the ESSA, schoolwide programs remain a key tool for using Title I funds to improve academic achievement and enable a school to more effectively leverage Federal funds to upgrade its entire educational program.

This document explains how operating a schoolwide program under Title I can be beneficial to LEAs and schools as they explore how to most effectively leverage their local, State, and Federal funds in order to promote school reforms and raise student achievement. In particular, this

document highlights specific advantages and flexibilities inherent in schoolwide programs, clarifies common misunderstandings about schoolwide programs that may persist, and serves as a resource, in conjunction with existing guidance, for SEAs, LEAs, and schools.

The U.S. Department of Education (Department) has determined that this guidance is significant guidance under the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007). See www.whitehouse.gov/sites/default/files/omb/memoranda/fy2007/m07-07.pdf. Significant guidance is non-binding and does not create or impose new legal requirements. The Department is issuing this guidance to provide SEAs, LEAs, and schools with information to assist them in meeting their obligations under the ESEA, as amended by ESSA.

This guidance supersedes the Department's guidance, entitled "Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program," issued on June 10, 2015.

If you are interested in commenting on this guidance, please email us your comments at OESE.guidance@ed.gov or write to us at the following address: Office of Elementary and Secondary Education, 400 Maryland Avenue, SW, Washington, DC 20202. For further information about the Department's guidance processes, please visit www2.ed.gov/policy/gen/guid/significant-guidance.html.

Using Title I Schoolwide Programs to Support School Reform

A Title I schoolwide program is a comprehensive reform strategy designed to upgrade the entire educational program in a Title I school in order to improve the achievement of the lowest-achieving students. (ESEA section 1114(a)(1)).¹ Under the ESEA, a school may operate a schoolwide program if it meets any of the following conditions:

- A Title I school with 40 percent or more of its students living in poverty, regardless of the grades it serves.
- A Title I school that receives a waiver from an SEA to operate a schoolwide program without meeting the 40 percent poverty threshold.
- A Tier I or Tier II school in a State that requested and received a waiver through the School Improvement Grant (SIG) program that receives funds to implement one of the SIG intervention models.²

An SEA has discretion to grant a waiver to allow a Title I school to operate a schoolwide program without meeting the 40 percent poverty threshold if the SEA has determined that a

¹ Throughout this document, unless otherwise indicated, citations to the ESEA refer to the ESEA, as amended by the ESSA.

² Although the SIG program is no longer authorized under the ESSA, because Congress has provided funding for the SIG program for fiscal years (FYs) 2015 and 2016, schools may still be receiving funding under SIG for several additional school years.

schoolwide program will best serve the needs of students in the school who are failing, or at risk of failing, to meet the challenging State academic standards. (ESEA sections 1114(a)(1)(B) and (b)(6)). To grant such a waiver, an SEA must take into account how a schoolwide program will best serve the needs of the students in the school in improving academic achievement, and other factors. (ESEA section 1114(a)(1)(B)). As an SEA considers exercising this new flexibility, the Department encourages the SEA to establish a process, informed through feedback from the public, and criteria to ensure that schools receiving a waiver will operate a schoolwide program in a way that improves the achievement of students in the school who would otherwise be eligible to receive Title I services through a targeted assistance program.

Benefiting from Operating a Schoolwide Program

A school that operates a schoolwide program is able to take advantage of numerous benefits, including:

- **Serving all students.** A school operating a schoolwide program does not need to identify particular students as eligible to participate. (ESEA section 1114(a)(2)(A)(i)).
- **Consolidating Federal, State, and local funds** (see discussion below). A school operating a schoolwide program may consolidate Federal, State, and local education funds to better address the needs of students in the school. (ESEA section 1114(a)(1), (3)).

Implementing a Schoolwide Program

There are three required components of a schoolwide program that are essential to effective implementation: conducting a comprehensive needs assessment, preparing a comprehensive schoolwide plan, and annually reviewing and revising, as necessary, the schoolwide plan.

- Conducting a **comprehensive needs assessment.** To ensure that a school's comprehensive plan best serves the needs of those children who are failing, or are at-risk of failing, to meet the challenging State academic standards, the school must conduct a comprehensive needs assessment. (ESEA section 1114(b)(6)). Through the needs assessment, a school must consult with a broad range of stakeholders, including parents, school staff, and others in the community, and examine relevant academic achievement data to understand students' most pressing needs and their root causes. (ESEA section 1114(b)(2); 34 C.F.R. § 200.26(a)). Where necessary, a school should attempt to engage in interviews, focus groups, or surveys, as well as review data on students, educators, and schools to gain a better understanding of the root causes of the identified needs.
- Preparing a **comprehensive schoolwide plan** that describes how the school will improve academic achievement throughout the school, but particularly for the lowest-achieving students, by addressing the needs identified in the comprehensive needs assessment. (ESEA section 1114(b)(7)). The schoolwide plan must include a description of how the strategies the school will be implementing will provide opportunities and address the learning needs of all students in the school, particularly the needs of the lowest-achieving

students. (ESEA section 1114(b)(7)(A)(i), (iii)). The plan must also contain descriptions of how the methods and instructional strategies that the school intends to use will strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, including programs and activities necessary to provide a well-rounded education. (ESEA section 1114(b)(7)(A)(ii)). To ensure that the plan results in progress toward addressing the needs of the school, the plan should include benchmarks for the evaluation of program results. **This plan may be integrated into an existing improvement plan.**

- **Annually evaluating the schoolwide plan**, using data from the State’s assessments, other student performance data, and perception data to determine if the schoolwide program has been effective in addressing the major problem areas and, in turn, increasing student achievement, particularly for the lowest-achieving students. Schools must **annually revise the plan**, as necessary, based on student needs and the results of the evaluation to ensure continuous improvement. (ESEA section 1114(b)(3); 34 C.F.R. § 200.26(c)).

Using Federal Funds Flexibly in a Schoolwide Program

Consistent with the benefits identified above, a school operating a schoolwide program may use Title I funds for any activity that supports the needs of students in the school as identified through the comprehensive needs assessment and articulated in the schoolwide plan. (ESEA section 1114(b)). In designing and implementing the schoolwide plan, a school must implement strategies that: (1) provide opportunities for all children to meet challenging State academic standards; (2) use methods and instructional strategies that strengthen the academic program in the school, increase the amount and quality of learning time, and help provide an enriched and accelerated curriculum, which may include programs, activities, and courses necessary to provide a well-rounded education; and (3) address the needs of all students, but particularly those at risk of not meeting challenging State academic standards. (ESEA section 1114(b)(7)(A)).

Examples of Uses of Funds in a Schoolwide Program (Based on the Needs Assessment)
<ul style="list-style-type: none"> • High-quality preschool or full-day kindergarten and services to facilitate the transition from early learning to elementary education programs. • Recruitment and retention of effective teachers, particularly in high-need subjects. • Instructional coaches to provide high-quality, school-based professional development. • Increased learning time. • Evidence-based strategies to accelerate the acquisition of content knowledge for English learners. • Activities designed to increase access and prepare students for success in high-quality advanced coursework to earn postsecondary credit while in high school (e.g., Advanced Placement, International Baccalaureate, early college high schools, and dual or concurrent enrollment programs). • Career and technical education programs to prepare students for postsecondary education and the workforce.

Examples of Uses of Funds in a Schoolwide Program (Based on the Needs Assessment)

- Counseling, school-based mental health programs, mentoring services, and other strategies to improve students’ nonacademic skills.
- School climate interventions (e.g., anti-bullying strategies, positive behavior interventions and supports).
- Equipment, materials, and training needed to compile and analyze student achievement data to monitor progress, alert the school to struggling students, and drive decision making.
- Response-to-intervention strategies intended to allow for early identification of students with learning or behavioral needs and to provide a tiered response based on those needs.
- Activities that have been shown to be effective at increasing family and community engagement in the school, including family literacy programs.
- Devices and software for students to access digital learning materials and collaborate with peers, and related training for educators (including accessible devices and software needed by students with disabilities).
- Two-generation approaches that consider the needs of both vulnerable children and parents, together, in the design and delivery of services and programs to support improved economic, educational, health, safety, and other outcomes that address the issues of intergenerational poverty.

The above table provides examples of some of the potential uses of funds available to schools when operating a schoolwide program. Each school, in conjunction with LEA officials, has the discretion to determine the specifics of a schoolwide plan, including which methods and instructional strategies will be used, based on the school’s identified needs in its comprehensive needs assessment.

Dispelling Misunderstandings about Uses of Title I Funds in a Schoolwide Program

The following are some common misunderstandings regarding the flexibilities available in using Title I funds to operate a schoolwide program:

Misunderstanding	Explanation of Law
Title I funds may be used only to support reading and math instruction.	Title I funds may be used in a schoolwide program to support academic areas that the school’s needs assessment identifies as needing improvement.
Title I funds may be used only to provide remedial instruction.	The purpose of a schoolwide program is to upgrade the entire educational program in the school in order to raise the achievement of the lowest-achieving students. This does not need to be achieved through remedial

Misunderstanding	Explanation of Law
	instruction, however. At times, this may be best achieved by preparing low-achieving students to take advanced courses — for example, providing an intensive summer school course designed to accelerate their knowledge and skills, offering an elective course to prepare them to take advanced courses, or providing after-school tutoring while they are taking advanced courses.
Title I funds may be used only to serve low-achieving students.	Title I funds may be used to upgrade the entire educational program in a schoolwide program school and, in doing so, all students may benefit from the use of Title I funds. However, consistent with the purpose of Title I, the reason to upgrade the entire educational program in a school is to improve the achievement of the lowest-achieving students.
If a school does not consolidate funds through a schoolwide program, Title I funds may be used only to provide services in a pull-out setting.	Regardless of whether funds are consolidated, a schoolwide program school need not use Title I funds to provide services only in a pull-out setting, although this practice is not prohibited. Title I funds may be used to upgrade the entire educational program in a schoolwide program school and serve all students, even if the school does not consolidate Title I funds with its other funds. However, the primary purpose of a schoolwide program is to raise the achievement of the lowest-achieving students by upgrading the entire educational program, and can best be achieved by consolidating funds. (Please see the discussion below that identifies additional advantages of consolidating Title I funds with other Federal, State, and local funds in a schoolwide program.)
Title I funds may be used only for instruction.	Title I funds may be used for activities and strategies designed to raise the achievement of low-achieving students identified by a schoolwide program school’s comprehensive needs assessment and articulated in the school’s comprehensive schoolwide plan. For example, Title I funds may be used to improve the quality of instructional materials, improve attendance, improve school climate,

Misunderstanding	Explanation of Law
	counteract and prevent bullying, provide counseling, mentoring, and school-based mental health programs, or provide positive behavioral interventions and supports.
Title I funds may not be used to support preschool-aged children.	A schoolwide program school may use Title I funds to operate, in whole or in part, a preschool program to improve cognitive, health, and social-emotional outcomes for children from birth to the age at which the LEA provides a free public elementary education. Such programs are designed to prepare children for success in kindergarten. All preschool-aged children who reside in the school’s attendance area are eligible to participate.
Individuals with Disabilities Education Act (IDEA) Part B funds may not be consolidated in a schoolwide program.	A schoolwide program school may consolidate funds received under Part B of the IDEA. (Please see the discussion below on consolidating Title I funds with other Federal, State, and local funds in a schoolwide program for an explanation of the limitations on the amount of Part B funds that may be consolidated.) A school that consolidates funds under Part B may use those funds in its schoolwide program for any activities under its comprehensive schoolwide plan but must comply with all other requirements of Part B of the IDEA.

Safeguarding the Interests of Historically Underserved Populations

Although a school may use Title I funds to serve all students in a schoolwide program, there are protections to ensure that low-achieving students and historically underserved populations of students do not get ignored.

- The very purpose of a schoolwide program is to upgrade the entire educational program of the school in order to raise the achievement of the lowest-achieving students. (ESEA section 1114).
- A comprehensive schoolwide plan must include strategies for —
 - ✓ meeting the educational needs of all students, including each subgroup of students defined in section 1111(c)(2) (economically disadvantaged students; students from major racial and ethnic groups; children with disabilities; and English learners). (ESEA section 1114(b)(7)(A)(i)); and

- ✓ addressing the needs of all students but particularly the needs of students who are failing, or are at risk of failing, to meet the challenging State academic standards. (ESEA section 1114(b)(6), (7)(A)(iii).
- An LEA operating a schoolwide program must comply with all Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act, the Equal Educational Opportunities Act (EEOA), Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. In addition, LEAs must comply with the requirements under the IDEA with respect to children with disabilities. (ESEA sections 1114(a)(3)(B), 8306(a)(1)).³
- An LEA must ensure that each schoolwide program school receives funds from non-Federal sources to provide services that are required by law for students with disabilities and English learners before using Title I funds in the school. (ESEA section 1114(a)(2)(B)).
- If a schoolwide program school consolidates Federal funds, it must maintain records that demonstrate that it meets the intent and purposes of each Federal program whose funds it consolidates. (ESEA section 1114(a)(3)(C)).
- Before a schoolwide program school may consolidate Title I, Part C Migrant Education Program (MEP) funds, it must, in consultation with migrant parents, an organization representing those parents, or both, first meet the unique educational needs of migrant students that result from the effects of their migratory lifestyle, and those other needs that are necessary to permit these students to participate effectively in school. The school also must document that these needs have been met. (ESEA section 1306(b)(4); 34 C.F.R. § 200.29(c)(1)).
- Before a schoolwide program school may consolidate Title VI, Part A, Subpart 1 Indian education formula funds to LEAs, the LEA's Indian committee, composed of parents and family members of Indian children, representatives of Indian tribes on Indian lands located within 50 miles of a school that has Indian students, teachers, and if appropriate, high school students, must approve the inclusion of those funds and the LEA must identify how the consolidation of those funds will produce benefits to Indian students that would not be achieved if the funds were not used in a schoolwide program. (ESEA section 6115(c)).

³ Additional information about SEAs' and LEAs' legal obligations under Title VI of the Civil Rights Act of 1964 and the EEOA can be found in a Dear Colleague Letter about EL students and limited English proficient parents jointly released by the Department of Education and Department of Justice, *available at* <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>.

Consolidating Federal, State, and Local Funds in a Schoolwide Program

By making systemic changes that knit together services funded from a variety of sources into a comprehensive framework, schools have a better chance of increasing the academic achievement of all students. To encourage this approach and better leverage all available funding, a schoolwide program school has the flexibility to consolidate funds from Title I and other Federal education programs with State and local funds. (ESEA section 1114(a)(1), (3)). By consolidating funds in a schoolwide program, a school can more effectively design and implement a comprehensive plan to upgrade the entire educational program in the school as informed by the school's comprehensive needs assessment. When a school consolidates funds in a schoolwide program, those funds lose their individual identity and the school may use the funds to support any activity of the schoolwide program without regard to which program contributed the specific funds used for a particular activity. Each SEA must ensure that it will modify or eliminate State fiscal and accounting barriers so that these funds can be more easily consolidated. (ESEA section 1111(g)(2)(E)).

Advantages of Consolidating Funds in a Schoolwide Program
<ul style="list-style-type: none">▪ Flexibility to allocate all available resources effectively and efficiently.▪ A school is not required to meet most of the statutory and regulatory requirements of the specific Federal programs included in the consolidation, provided it meets the intent and purposes of those programs.▪ A school is not required to maintain separate fiscal accounting records by Federal program that identify the specific activities supported by each program's funds.

NOTE: A schoolwide program school has flexibility in its use of Title I funds even absent consolidation. The uses of Title I funds described throughout this document are available to a schoolwide program school that does not consolidate its Title I or other Federal funds. Consolidation, however, affords even greater flexibility, as discussed above.

As noted above, a schoolwide program school may consolidate funds received under Part B of the IDEA. The IDEA provides a straightforward formula for LEAs and their schools that wish to consolidate a portion of their IDEA Part B funds in any fiscal year to carry out a schoolwide program. (IDEA section 613(a)(2)(D); 34 C.F.R. § 300.206). First, the LEA determines the amount of funds it received under the IDEA section 611 (ages 3-21) and 619 (ages 3-5) programs. Second, the LEA must divide the total amount of its IDEA grants by the number of children with disabilities in the jurisdiction of the LEA. Third, the LEA then multiplies this figure by the number of children with disabilities who will be participating in the schoolwide program.

The IDEA places the following conditions on LEAs and schools that consolidate IDEA funds in a schoolwide program:

- The IDEA funds must still be counted as Federal funds for IDEA’s excess cost and supplement not supplant calculations required by 34 C.F.R. § 300.202(a)(2)-(3).
- Regardless of how the IDEA funds are expended, children with disabilities in a schoolwide program school must:
 - ✓ receive services in accordance with a properly developed individualized education program (IEP); and
 - ✓ be afforded all of the rights and services guaranteed to children with disabilities and their parents under the IDEA.

The following guidance documents contain additional information on consolidation of funds that may be useful for schools operating schoolwide programs:

- *Title I Fiscal Issues, pp. 49-63* (Feb. 2008) (available at <http://www2.ed.gov/programs/titleiparta/fiscalguid.pdf>) (provides information on consolidating funds in a schoolwide program).
- *Notice Authorizing Schoolwide Programs to Consolidate Federal Education Funds and Exempting Them From Complying With Statutory or Regulatory Provisions of Those Programs*, 69 FR 40360-64 (July 2, 2004) (available at www.gpo.gov/fdsys/pkg/FR-2004-07-02/pdf/04-15121.pdf) (provides information regarding what Federal education programs may be consolidated in a schoolwide program and how a school can ensure that it meets the intent and purposes of the Federal programs included in the consolidated schoolwide program).

Using Federal Funds to Supplement School Reform

Despite the flexibilities that schoolwide programs offer LEAs and schools when using Federal funds, schools participating in a schoolwide program may still only use funds to supplement the amount of funds that would be made available for the school from State and local sources in the absence of Federal funds. (ESEA sections 1114(a)(2)(B), 1118(b)). Additional information regarding compliance with this requirement will be issued by the Department at a later date.