

Reallocating Funds and Breaking Down Silos

CCSSO Closing Opportunity
and Achievement Gaps Conference
September 17, 2015

Melissa Junge and Sheara Krvaric
Federal Education Group, PLLC

www.fededgroup.com

ED Funds are an Underused Support for Turnaround

- Federal formula funds (like Title I, Title II, and IDEA) can be used for many more activities than is commonly understood
- Why is spending so limited? Complex network of rules, which leads to:
 - Myths about what is required or not allowed
 - Overly restrictive state policies
 - Specialization – grant specialists manage the funding, but may be disconnected from the rest of the organization

ED Formula Programs: Quick Overview

- Title I, Part A:
 - Supplemental money to support academically struggling students in high poverty schools
 - Most money flows to schools, which can either target specific students (all schools) or upgrade the school's educational program (certain schools)
 - Districts can keep some money to operate central level programs
 - Title I funds can support activities to improve student achievement, such as:
 - Academic instruction (reading, math, science, arts, etc.)
 - School climate
 - Parent involvement
 - Professional development

Quick Overview (cont.)

- Title II, Part A
 - Supplemental money to support teacher and principal quality to drive student achievement
 - Money flows to districts, which can run programs centrally or allocate money to schools
 - In general, districts should use funds to meet professional development and hiring needs, and should target schools with:
 - High need (lack of HQT, largest class size), or
 - Low-achievement
 - Title II funds can support things like:
 - Professional development
 - Class size reduction
 - Merit pay
 - Teacher advancement

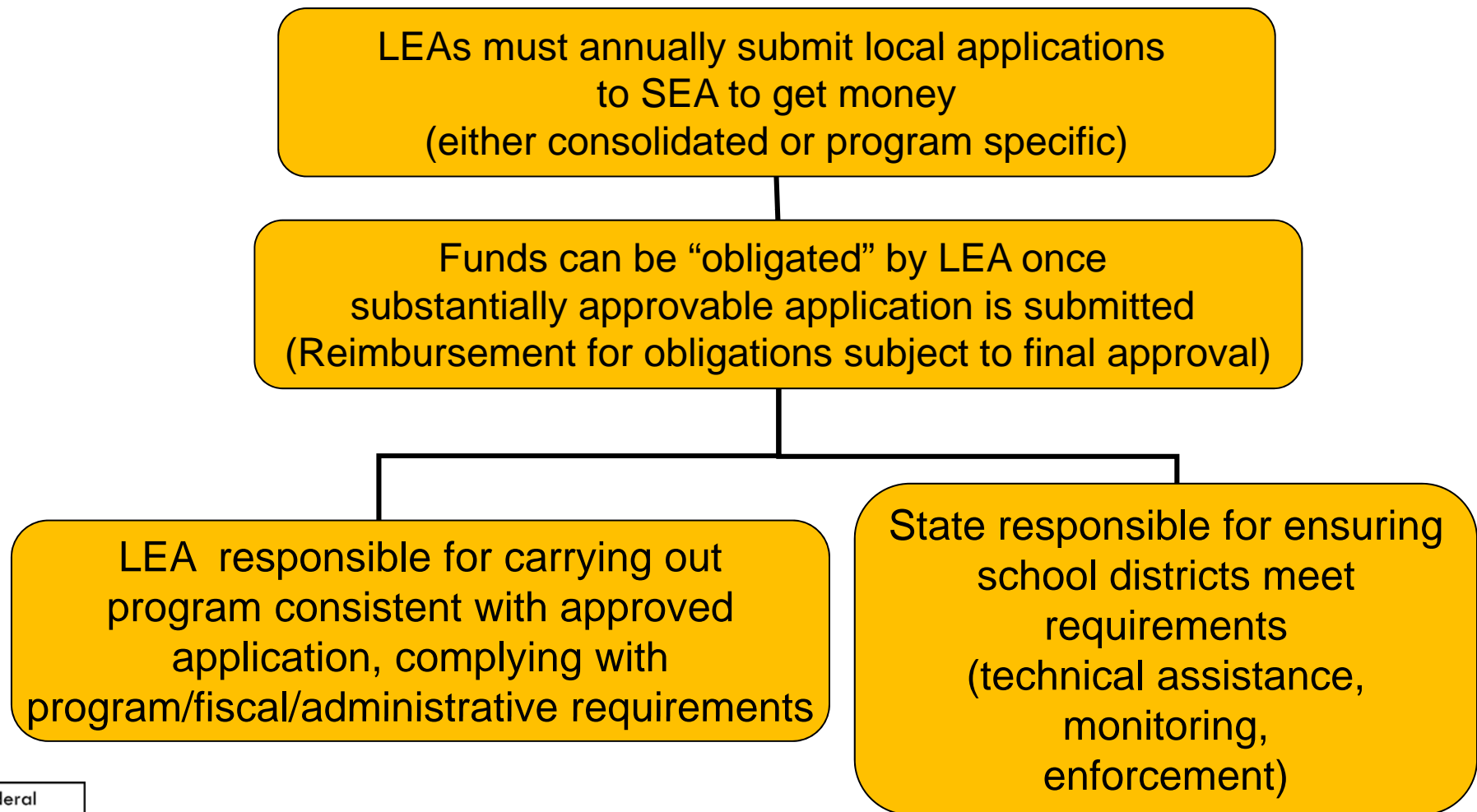
Quick Overview (cont.)

- IDEA, Part B
 - Supplemental money to support the excess cost of educating students with disabilities
 - Money flows to districts, which can run programs centrally or allocate money to schools
 - IDEA can support things like:
 - Special education teachers
 - Professional development to any teacher who serves special education students
 - Services required in a student's individualized education plan (IEP)
 - Instructional interventions
 - Behavioral interventions

Unique Position of SEA to Drive Effective Spending

SEAs are responsible for:	Opportunity to:
Awarding funds to LEAs	<ul style="list-style-type: none">- Shape program design/spending choices
Assisting LEAs in spending/managing their funds	<ul style="list-style-type: none">- Clear up confusion- Rethink state policies that inhibit grant spending
Overseeing LEA programs	<ul style="list-style-type: none">- Streamline administration- Target enforcement strategically

Understanding the Role of the SEA in ED Formula Programs



Strategies for Promoting Turnaround-Aligned Spending

1. Guidance aligned to turnaround activities
2. Eliminate barriers to schoolwide program model
3. Focus on aligning spending to needs
4. Build oversight processes that incentivize high-quality programming

Questions to Consider in Crafting SEA Strategies

- What role will the SEA play in driving local spending choices?
- How much will the SEA need to change its own practices/org structure?
- How much risk is the SEA willing to bear?

Strategy 1: Guidance Aligned to Turnaround

- State-issued use of funds guidance, if it exists at all, often:
 - Focuses on one grant
 - Describes general categories of costs, not tied to any specific activity or overarching initiative
 - Overlooks key flexibilities

Moving Toward Activity-Focused Guidance

Example: Dropout Prevention

ED Funding Source	Possible Uses of Funds
Title I, Part A	<ul style="list-style-type: none"> • School climate interventions • Credit recovery programs • Prepare students for advanced coursework • Extended school day, week, or year programs • Data systems
Title II, Part A	<ul style="list-style-type: none"> • Relevant professional development activities
IDEA, Part B	<ul style="list-style-type: none"> • Academic interventions • Positive behavioral supports • School climate initiatives • Secondary transition services • Data systems • Early intervening services for struggling students

Coordinating Multiple Funding Sources Is Allowed by Federal Law

- The U.S. Education Department General Administrative Regulations (EDGAR) authorize coordinated spending so long as the recipient:
 - Follows federal spending rules
 - Tracks how federal funds are spent(34 CFR § 76.760)
- Coordinated spending is not the consolidation of funds, but a way to use multiple funding sources to support a project

Recent Guidance from ED Supporting Coordinated Spending

- Examples of Leveraging ESEA and IDEA Funds for Digital Teaching and Learning:
<http://tech.ed.gov/wp-content/uploads/2014/11/Tech-Federal-Funds-Final-V2.pdf>
- Federal Programs and Support for School Counselors:
<http://www2.ed.gov/policy/elsec/guid/secletter/140630.html>
- Maximizing Flexibility in the Administration of Federal Grants:
<http://www2.ed.gov/programs/titleiparta/flexswp091313.pdf>

Strategy 2: Eliminate Barriers to the Schoolwide Program Model

- At the **school level schoolwide program schools** may use Title I to support any reasonable activity:
 - To upgrade the school's educational program,
 - Consistent with the school's needs, and
 - Consistent with the schoolwide plan

This is true whether the school/LEA consolidates funds or not

- Important new schoolwide guidance from ED:
<http://www2.ed.gov/policy/elsec/guid/eseatitleiswguidance.pdf>

Use of Funds Options in Schoolwide Schools

- Examples of permissible uses of Title I in a schoolwide program school:
 - Upgrade curricula
 - 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

Common Restrictions on the Schoolwide Model

- Requiring schools to maintain a list of struggling students and/or requiring Title I services to be targeted only to struggling students
 - Statute permits schools to serve all students (e.g. whole school PBIS system)
- Requiring schools to focus only on whole school interventions that touch every student
 - Statute permits schools to focus on specific needs (e.g. 9th grade academy)
- Relying on traditional supplanting tests
 - Statute calls for an alternative supplemental funds test

Strategy 3: Focus on Aligning Spending to Needs

- Two key ways federal law promotes alignment between spending and needs:
 - **Needs assessments** – some programs require LEAs or schools to evaluate data, identify needs and spend grant funds on activities to address those needs
 - **Necessary and reasonable** – all programs require grant-supported activities to be necessary and reasonable for achieving program goals

Strategies for Supporting Alignment

- Provide guidance on:
 - How to assess needs effectively (what data to look at, how to analyze the data, how to translate the data into concrete needs, etc.)
 - How to align funds to needs (for example, what kinds of strategies are effective to meet various needs, and how can federal funds support those strategies)
- Revamp the application process to link spending to needs
- If appropriate staff is available, consider individualized technical assistance to LEAs struggling with identifying needs/spending on needs

Strategy 4: Oversight Processes that Incentivize High-Quality Programming

- SEAs are legally responsible for ensuring LEAs comply with federal requirements including:
 - Programmatic requirements (eligible students, staff qualifications, etc.)
 - Fiscal requirements (allowable spending, maintenance of effort, etc.)
 - Administrative requirements (appropriate recordkeeping, documentation of staff time, etc.)
- Some of these requirements relate to program quality, but many do not

To Enhance Focus on Program Quality

- Streamline oversight processes as much as feasible, for example:
 - Reduce duplication (such as reviewing a compliance requirement both in the application and through formal monitoring)
 - Consider ways to coordinate monitoring of “cross-cutting” requirements across programs
- Take advantage of those federal requirements that relate to program quality (which may mean reallocating staff responsibilities within the SEA):
 - Review needs assessments
 - Review required plans
 - Discuss spending priorities with the LEA
- Tailor technical assistance and enforcement to LEA needs

Disclaimer

This presentation is intended solely to provide general information and does not constitute legal advice. Attendance at the presentation or later review of these printed materials does not create an attorney-client relationship with Federal Education Group, PLLC. You should not take any action based upon any information in this presentation without first consulting legal counsel familiar with your particular circumstances.